

TOWN CLERK, ROCKLAND
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ATTORNEY-AT-LAW

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June 20, 2023

BY HAND DELIVERY

Ms. Liza Landy
Town Clerk
Town of Rockland
242 Union Street
Rockland, Massachusetts 02370

Re: Appeal of Rockland Zoning Board of Appeals Decision filed with Rockland Town Clerk on June 2, 2023, regarding 443 Webster Street to the Plymouth County Superior Court.

Dear Ms. Landy:

I enclose a copy certified by and dated by the Clerk of the Plymouth County Superior Court, which indicates that the Appeal filed by the undersigned was accepted and filed at the Clerk's Office on June 20, 2023.

The case has the title: **2383CV00468 Thomas P Healy Jr Trustee of Graphic Realty Trust vs. Robert C Rosa, III. As member of Town of Rockland Zoning Board of Appeals et al.**

I will be mailing copies of the Complaint as filed to the individual members of the Zoning Board of Appeals shortly.

If you have any further questions, please call me. Thank You for your assistance.

Very truly yours,


Richard Bland

Received: 6/20/2023

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT

DOCKET NO. 2383CV00468

 Thomas P. Healy, Jr., as he is Trustee of)
 Graphic Realty Trust.)
)
 Plaintiff,)
)
 v.)
)
 Robert C. Rosa, III. Chair, Gregory Tansey,)
 Timothy S. Haynes, Robert Baker, Jr.,)
 Robert Baker, and Stephen Galley,)
 As they are members of the Town of Rockland,)
 Massachusetts, Zoning Board of Appeals,)
)
 Defendants.)

VERIFIED COMPLAINT
 PURSUANT TO
 MASSACHUSETTS GENERAL LAW C. 40A, §17

1. Plaintiff Thomas P. Healy, Jr., as he is Trustee of Graphic Realty Trust (“Healy”), brings this action pursuant to Massachusetts General Law c. 40A, §17, in appeal of the Decision of the Town of Rockland Zoning Board of Appeals (“ZBA”) and filed with the Town Clerk of Rockland on June 2, 2023. (Exhibit A)

A TRUE COPY ATTEST

 Clerk of Courts

2. Plaintiff Healy alleges that the ZBA exceeded its authority pursuant to M.G.L. c. 40A, §7 with respect to Sections 5 and 6 of its findings (found on page 8 of 9 of Exhibit A), and requests that this Court, after hearing evidence, annul these sections.

PARTIES

3. Plaintiff Thomas P. Healy, Jr., in his capacity as Trustee of the Graphic Realty Trust, under Declaration of Trust dated July 31, 1984 and recorded with the Plymouth County Registry of Deeds at Book 44602, Page 240, is the owner of the Premises located at and numbered 443 Webster Street, Rockland, Massachusetts 02370, which is the subject of this Complaint. Mr. Healy resides at 44 Harmony Crossing, East Bridgewater, Massachusetts 02333.
4. Defendant Robert C. Rosa, III, is Chair of the Town of Rockland Zoning Board of Appeals (“ZBA”). He resides at 474 Beech Street, Rockland, Massachusetts 02370
5. Defendant Gregory Tansey is a member of the Town of Rockland Zoning Board of Appeals. He resides at 9 Barstow Lane, Rockland, Massachusetts 02370
6. Defendant Timothy S. Haynes is a member of the Town of Rockland Zoning Board of Appeals. He resides at 35 Deering Square, Rockland, Massachusetts 02370.
7. Defendant Robert Baker, Jr., is a member of the Town of Rockland Zoning Board of Appeals. He resides at 19 Everett Street, Rockland, Massachusetts 02370
8. Defendant Robert Baker is a member of the Town of Rockland Zoning Board of Appeals. He resides at 79 South Douglas Street, Rockland, Massachusetts 02370.
9. Defendant Stephen Galley is a member of the Town of Rockland Zoning Board of Appeals. He resides at 346 Union St, Apartment 13, Rockland, Massachusetts 02370.

BACKGROUND

10. The following title history transactions are relevant to the subject matter of this Complaint relating to the uses of the Premises at 443 Webster Street, Rockland, Massachusetts 02370.
11. The Premises was sold by Geraldine Gelinas to Howard W. Frye, et ux., Plymouth Registry of Deeds, May 2, 1952, Book 2206, Page 123.
12. Howard W. Frye conducted a sign and flag business at the Premises starting at the outset of his ownership in 1952 continuously until the date of sale of the Premises to Thomas P. Healy, Jr., on February 3, 1983.
13. The Town of Rockland, Massachusetts, enacted its Zoning Ordinance¹ on March 4, 1958.
14. Howard W. Frye sold the Premises to Howard W. Frye and George D. Johnson, as Joint Tenants, November 5, 1979, Plymouth Registry of Deeds, Book 4751, Page 39.
15. George D. Johnson sold the Premises to Thomas P. Healy, Jr. and Joyce R. Healy, tenants by the entirety, February 3, 1983, Plymouth Registry of Deeds, Book 5291, Page 219.
16. Thomas P. Healy, Jr., and Joyce R. Healy, sold the Premises to Thomas P. Healy, Jr., June 11, 1984, Plymouth Registry of Deeds, Book 5670, Page 230.
17. Thomas P. Healy, Jr., sold the Premises to Thomas P. Healy, Jr., as he is Trustee of Graphic Realty Trust, July 31, 1984, Plymouth Registry of Deeds, Book 5733, Page 250.

¹ Town of Rockland, MA / Division 3: Zoning Bylaws Chapter 415 Zoning [HISTORY: **Adopted 3-4-1958 ATM, Art. 55;** printed as compiled in 1993 (source document: 5-1-2005 printing), as amended through 5-7-2018 ATM, Art. 71. Subsequent amendments noted where applicable.]

18. On October 11, 1984, on the petition of Graphic Realty Trust, the ZBA "...voted to GRANT WITH CONDITIONS the variance requested", which was "The erection of a 40 ft x 50 ft building at the rear of the property at 443 Webster St. for storage purposes only." (Exhibit B)
19. On January 5, 1987, Graphic Realty Trust applied for a Building Permit to erect a "30' x 60' storage building (detached)". (Exhibit C)
20. On January 6, 1987, John C. Laughlin, the Inspector of Buildings for the Town of Rockland, issued a permit to "erect a 30' x 60' Storage Shed at 443 Webster St. for Graphic Realty Trust." (Exhibit D)
21. Healy has stated that Graphic Realty Trust continuously rented storage bays to businesses including landscapers, a fence company, an irrigation installation contractor, a parking lot striping company, a pavement marking company, and the Cancer Society at the Premises since at least 1987.
22. Healy specifically relied on the the permits issued by the Building Inspector and the Zoning Board of Appeals (Exhibits B, C, and D) allowing the use of "storage" to invest the funds required to build the storage units/
23. Healy specifically relied on M.G.L. c. 40A, §7 and the exhibits enumerated in allegation 22 above as his authority for renting such storage units.
24. Healy has never received notice of any action, suit or proceeding alleging that he is in violation of any permit duly issued by the Town of Rockland.
25. There is no notice on record at the Registry of Deeds or Plymouth County in the chain of title of the Premises that alleges any violation of any permit issued by the Town of Rockland.

26. Healy has never received any written “decision of the Zoning Enforcement Officer” nor was any such “decision” or notice of Decision as alleged within Section 6 of the ZBA’s Decision filed with the Rockland Town Clerk on June 2, 2023 ever received or offered during the Meetings of the ZBA that he attended.

PRAYER FOR RELIEF

Plaintiff Thomas P. Healy, Jr., requests that this Court:

- A. Institute such proceedings as it deems appropriate and/or necessary in order to ascertain the facts relevant to adjudication of this matter;
- B. Apply the law as set forth in M.G.L. c. 40A relating to the facts cited;
- C. Find that the Plaintiff had the authority to use certain buildings as “storage” for a time sufficient without written objection by the Zoning Enforcement Officer or any other official being recorded in the Plymouth County Registry of Deeds; and
- D. Find for the Plaintiff as requested that “storage” is an allowed non-conforming use for the Premises due to ZBA approval in 1984, and Zoning Enforcement Officer approval in 1987, both of which the Plaintiff relied on and erected storage buildings and rented them.
- E. Find for the Plaintiff that “storage” as an approved non-conforming use was properly allowed by Plaintiff and his tenants during the ensuing 36 years, and remains an allowed non-conforming use so long as it complies with laws concerning such non-conforming uses in this Zoning District.
- F. Annul the Decision of the Zoning Board of Appeals of the Town of Rockland as it applies to the Findings numbered 5 and 6 on page 8 of 9 of the Decision filed with the Town Clerk of Rockland and attached hereto as Exhibit A, due to the fact that the ZBA exceeded its authority by disregarding the restrictions contained in M.G.L. c.40A, §7, on

rescinding its own and the Zoning Enforcement Officer's prior approvals issued to the Plaintiff, as well as failing to record objections as required for the requisite time in the Plymouth County Registry of Deeds.

- G. Annul the Decision of the Zoning Board of Appeals of the Town of Rockland as it applies to the Finding numbered 6 on page 8 of 9 of the Decision filed with the Town Clerk of Rockland and attached hereto as Exhibit A, due to the fact that the Zoning Enforcement Officer did not issue a written "decision of the Zoning Enforcement Officer" nor was any such "decision" or notice of Decision as alleged within Section 6 of the ZBA's Decision filed with the Rockland Town Clerk on June 2, 2023 ever received or offered during the Meetings of the ZBA that Plaintiff attended, and as such is so indefinite that the meaning of the Decision of the ZBA cannot be ascertained and is rendered unenforceable.
- H. Enter such other findings and awards as are just.

VERIFICATION

Plaintiff Thomas J. Heasly, Jr., states that, to the best of his knowledge and belief, all of the factual statements contained herein are true and correct, and made of my personal knowledge or taken from official public records, sworn under the pains and penalties of perjury.



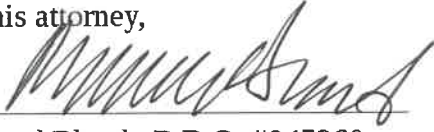
Thomas J. Healy, Jr.

Date: JUNE 19 2023

June 20, 2022

The Plaintiff, Thomas P. Healy, Jr.,

By his attorney,

A handwritten signature in black ink, appearing to read 'Richard Bland', written over a horizontal line.

Richard Bland, B.B.O. #045260

18 Johnson Drive

Norton, Massachusetts 02766

(508) 622-0005

richardbland@richardblandlaw.com

EXHIBIT A



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

Town Hall - 242 Union Street
Rockland, Massachusetts 02370
Phone: 781-871-0154, ext. 1195

TOWN CLERK, ROCKLAND
JUN 2 23 AM 10:22

FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

Decision: Denial of Special Permit and Section 6 Finding

Applicant: Thomas P. Healey, Jr., Trustee
Graphic Realty Trust
44 Harmony Crossing, East Bridgewater, MA 02333

Property Address: 443 Webster Street, Rockland, Massachusetts 02370

Case No.: 2023-06

The Rockland Zoning Board of Appeals has considered the application of Thomas P. Healy, Jr., Trustee, Graphic Realty Trust, with regards to the property located at: 443 Webster Street, Rockland MA 02370 for a Special Permit pursuant to Zoning Bylaws §415-89, §415—24 A, Nonconforming Uses, and for a Chapter 40A, Section 6 Finding and/or an Appeal from a Decision of the Zoning Enforcement Officer pursuant to Zoning Bylaws §415-24 A, B and C, Nonconforming Uses to allow applicant to continue alleged previously established nonconforming uses at the premises known as and numbered 443 Webster St., Rockland, MA. The property is located in the R -2 Residence Zoning District, Section 415-9 of the Bylaw, and is further identified as Lot 95, Map 36, on the Rockland Assessor's Maps. The owner of the property is Graphic Realty Trust, Thomas P. Healy, Trustee, 44 Harmony Crossing, East Bridgewater, MA.

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: March 7, 2023, and March 14, 2023, 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, all of which are incorporated herein by reference.

A True Record, Attest

Lizaj. Landy

Town Clerk, Rockland, MA

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

A Public Hearing was conducted remotely in accordance with the law at 7:00 P.M. on March 21, 2023, and a continuance public hearing was conducted remotely at 7:30 P.M. on May 16, 2023.

ATTENDANCE:

Board Members: Robert C. Rosa, III, Chair, Gregory Tansey, Timothy Haynes, Robert Baker, Sr., Robert Baker, Jr., and Stephen Galley, (alt).

(All Board members were participating remotely.)

MEMBERS VOTING: Chairman Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Jr., and Robert Baker, Sr.

DISCUSSION ON MARCH 21, 2023

The Chairman of the Zoning Board introduced the members of the board advising the public that all are participating remotely and that the hearing is being recorded.

The Chairman entertained a motion to open the public hearing. A Motion to open the public hearing was made by Robert Baker, Jr. and was seconded by Robert Baker, Sr. The Chairman then asked the members of the ZBA for a roll call vote: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. - Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote was unanimous, and the public hearing was opened.

The Chairman read the advertised notice in the Patriot Ledger.

The petitioner's attorney, Richard Bland of 18 Johnson Drive, Norton, Massachusetts, introduced Thomas Healy, Trustee of Graphic Realty Trust, and explained that Mr. Healy has been the owner of the property since 1984 and the trustee of Graphic Realty Trust since it was formed in 1984, at which time he became the fee owner of the property. He further explained that the adjacent property is also owned by Mr. Healy under a different trust. He explained the ownership of the property and the sign business that has been operating on the property pre-date the Zoning Code. Mr. Healy then explained how he acquired the property and his continued operation of a sign business on the property, and a history of his sign business operation.

Chairman Rosa then interrupted to say that the qualifications of the sign company were not in question. The question before the Board was the several uses on the property that most of which, other than one, are not necessarily allowed in the zone. There are 3 uses on the

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

property that are not allowed in the R2 Zone, including a landscaping company and a fence company. There is also a residential house on the property and Mass Sign.

Mr. Healy stated that prior to these tenants, he had Cancer Society, a carpenter/contractor and another landscaper. He stated that he had pulled permits for everything he did when questioned by Mr. Rosa.

Mr. Rosa stated that the issue was that the Zoning Enforcement Officer had no idea that there were other businesses on the property other than Mass Sign. He also asked if any of those businesses had Business Certificates and were actual business in the town.

Mr. Healy stated that he did not believe the businesses had Business Certificates and that Mr. Ruble had never been on his property.

Mr. Rosa then explained that those businesses were not allowed to be on the property in that zone and that the Zoning Enforcement Officer knew nothing about them. He wanted to make sure that the Board understood that the issue was that the applicant was trying to get uses approved on a piece of property that technically they are not allowed to be on even though they have been there for 7 to 10 years. However, these businesses were not legal businesses. The question before the board is do they grant a Special Permit for uses on this property that have been here substantially but that have been here illegally.

Discussion ensued about business certificates and building permits issued, when Mr. Ruble found out about the other business on the property and the use history of the property.

Attorney Bland stated that the uses that are there were not detrimental to the zone as there have been no complaints and no questions brought or no stop work orders were ever issued and that the Day Care was allowed. He also stated that Webster Street in front of the property is Route 123 and there is plenty of traffic and he did not believe that there was any mention made to Mr. Healy of any traffic problems with the property and that the plan shows that along one side there is a large buffer zone and that the residential abutter has, to their knowledge, never complained nor have any of the other direct abutters complained.

Mr. Rosa stated that Mr. Ruble advised him that he had not received any complaints about the property.

The Chairman then opened the hearing up to the Board.

Robert Baker, Sr. asked about the storage containers on the property. Mr. Healy stated they were put in 10-12 years ago and were used for storage for Mass Sign.

Robert Baker, Jr. wanted to know if all functions listed on the application were functions of the Mass Sign business on the property. Mr. Rosa clarified that the functions were functions of the manufacturing and installation functions of Mass Sign, aside from the retail, and were not individual uses.

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

Timothy Haynes inquired as to how the building since the Zoning bylaws were added. Mr. Healy stated 2 buildings were added in the rear (garages), as well as storage sheds and the containers. Mr. Haynes mentioned that they were not permitted.

The Day Care, which is on a separate parcel, was briefly discussed and whether a deed restriction should be added at the time of sale.

Gregory Tansey wanted clarification of the landscape storage.

Stephen Galley had no questions.

The Chairman stated that the Board was trying to determine exactly what was going on with the property.

Mr. Rosa then opened the hearing up to the public for comments.

No one spoke in favor.

Jacqueline Tieso of 455 Webster Street spoke against and stated that she had filed complaints with the Building Department in the past. She also stated that she felt the rules were ignored and that there were no consequences.

Mr. Baker, Sr. asked to see the building permits and wanted to know how many had been pulled. Mr. Haynes followed up on Mr. Baker, Sr's question and wanted to know if any of the changes came under the zoning board's purview. Discussion ensued and Mr. Haynes added that pre-existing uses prior to zoning can continue but not any other uses that were not legally permitted.

Mr. Baker, Sr. added that if there was storage of flammable materials, they would need a permit from the Fire Department.

The Chairman stated that the board needed more information and entertained a motion to continue the hearing. Robert Baker, Sr. moves to continue the public hearing to April 4, 2023, which was seconded by Timothy Haynes.

The ZBA members take a roll call vote:

Chairman Rob Rosa – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Gregory Tansey – Yes, Robert Baker, Sr. – Yes. The vote was unanimous.

April 4, 2023

The continuance hearing was cancelled due to a clerical error and was rescheduled to April 18, 2023.

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

April 18, 2023

Robert Baker, Sr. made a motion to continue the public hearing at the Applicant's request to May 16, 2023. Seconded by Gregory Tansey.

The members take a vote: Chairman Rob Rosa – Yes, Robert Baker, Jr – Yes, Gregory Tansey – Yes, Robert Baker, Sr. – Yes.

DISCUSSION ON MAY 16, 2023 (CONTINUANCE)

The Chairman of the Zoning Board introduces the members of the board advising to the public that all are participating remotely.

ATTENDANCE:

Board Members: Robert C. Rosa, III, Chair, Gregory Tansey, Timothy Haynes, Robert Baker, Sr., Robert Baker, Jr., and Stephen Galley, (alt).

Also present: Land Use Counsel Robert W. Galvin, Building Commissioner/Zoning Enforcement Officer Thomas Ruble, and Deputy Fire Chief Thomas Heaney.

MEMBERS VOTING: Chairman Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Jr., and Robert Baker, Sr.

(All Board members were participating remotely)

The Chairman of the Zoning Board introduced the members of the board advising the public that all are participating remotely and that the hearing is being recorded.

The Chairman entertained a motion to open the public hearing. A Motion to open the public hearing was made by Robert Baker, Sr. and was seconded by Robert Baker, Jr. The Chairman then asked the members of the ZBA for a roll call vote: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. - Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote was unanimous, and the public hearing was opened.

The Chairman read the advertised notice in the Patriot Ledger.

The petitioner's attorney, Richard Bland, gave a recap of the prior hearing. Mr. Healy stated that Mr. Tieso had never contacted him directly and that he had a proposed purchaser for the property.

Michael McEvoy, the proposed purchaser, described his business and discussion by the Board ensued.

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

The Chairman then opened the hearing up to the Board.

Robert Baker, Sr. wanted to know what the storage containers were used for and asked about the 2 dry wells in the back of the property. Thomas Healy answered they were needed for dry storage of sign materials in foul weather and the dry wells were for drainage during massive rains.

Robert Baker, Jr. wanted clarification of whether the uses stated in the application were ancillary uses to a sign business or whether the uses could each be allowed separately. Attorney Galvin said that any of the functions could be allowed within a particular use such as an electrician setting up shop pursuant to a Special Permit.

The Board discussed the diesel tank on the property and that it was unpermitted and without fire protection. Deputy Fire Chief Thomas Heaney said that the Fire Department was now aware of the tank, was permitted, and that detectors would be installed to tie into the property for continued usage of the tank.

Timothy Hayes stated he was not clear on what the Board was being asked to do. Attorney Galvin opined that the Board had to determine what were preexisting nonconforming uses and what is not and that use can be continued but it cannot be altered or increased and that the Board would have to make a finding that it was not more detrimental, and that the applicant would have to explain. Mr. Haynes asked if the sign business use would follow the property and Attorney Galvin said that by Special Permit it could run with the land or ends with the current owner, which is customary in Rockland.

Chairman Rosa stated that the question was whether the different uses were accessory to the main use which was the sign business or were they independent uses and is the primary use manufacturing. Attorney Galvin stated that there were multiple principal uses at the time of zoning, and that the Mass Sign business then evolved and the applicant would need to clarify when the other uses started.

Mr. Haynes stated that they would need to evaluate the multiple businesses on the site in buildings that did not predate zoning and there was no ZBA change of use.

Mr. Ruble stated that he had no record of a fence or landscaping business, that other businesses have to meet building and fire codes and that the sign, flag, day care and residential house are all allowed.

Discussion ensued.

Thomas Healy asked if he was denied could he come back to the board within 2 years and if approved he would get a Special Permit and if purchasers would have to come back to the board for what was approved.

Mr. Rosa then opened the hearing up to the public for comments.

No one spoke in favor.

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

Jacqueline Tieso of 455 Webster Street spoke against and stated that she lives there 7 days a week and business are unfair on residential properties.

Mary Parsons of 754 Union Street spoke against and said that a new owner is operating a sign business and who is getting permits.

The Chairman stated the question before the board is what current uses are grandfathered.

Robert Baker, Sr. makes a motion to close the public hearing.

Seconded by Gregory Tansey.

The ZBA members take a roll call vote:

Chairman Rob Rosa – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Gregory Tansey – Yes, Robert Baker, Sr. – Yes. The vote is unanimous, and the public hearing is closed.

Mr. Rosa then told the applicant the Board would deliberate tonight and welcomed him to be present during deliberations and informed him they will receive a decision in the mail with a date stamp and informed him of his 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.

DELIBERATION.

The Board, based on the credible evidence, discussed and agreed that the sign and flag business and their accessory uses with a retail component were preexisting nonconforming uses as they were in existence prior to the adoption of zoning. The applicant is in effect asking to add additional activities and storage which are not part of the nonconforming uses. Storage for other entities that have nothing to do with the preexisting nonconforming uses is not permitted. The Board agreed that the abutter is credibly upset with certain of the nonconforming uses as they affect her use and enjoyment of her residence which are impacted by noise and other aspects of those uses. The Board reasoned that the owner may also in the future seek further zoning relief to alter or extend a nonconforming use but that this relief was not requested or applicable.

DECISION:

The Chairman entertains a motion either for or against the granting of the Special Permit.

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

Robert Baker, Sr. makes a motion to deny the Special Permit based on the following findings:

1. The Board finds that the manufacture, assembly and sale of signs and related storage is a legal, preexisting, nonconforming use of the property.
2. The Board finds that the manufacture, assembly and sale of flags and flagpoles and related accessories is a preexisting nonconforming use of the property.
3. The Board finds that ancillary storage associated with those two preexisting nonconforming uses is permitted.
4. The Board finds that offices associated with those two preexisting nonconforming uses are permitted.
5. The Board finds that no other preexisting nonconforming uses lawfully exist on the property.
6. The decision of the Zoning Enforcement Officer is affirmed and the request for a special permit is denied as moot.

The motion was seconded by Gregory Tansey.

The Board takes a vote in favor of denying the Special Permit with members, Gregory Tansey, Robert Baker, Jr., Robert Baker, Sr., Timothy Haynes and Robert Rosa in favor of denying the Special Permit. The vote is unanimous.

The Board also takes a vote in favor of affirming the decision of the Building Commissioner that were only two preexisting nonconforming uses and that the other uses are not permitted.

FINDINGS:

The Board found that there was no Special Permit requested to modify the preexisting nonconforming uses. The businesses that were preexisting nonconforming have migrated without the benefit of permits and approvals from the Town and are not allowed to do so without zoning relief. The Board did not prohibit

Applicant: Thomas Healy, Jr., Trustee, Graphic Realty Trust
Property Address: 443 Webster Street, Rockland, Massachusetts

the prospect that the applicant or a future owner could come back at some point in the future if he/she/it wished to alter or extend the uses.

REASON FOR DECISION: The applicant or a new owner can come before the board and state how the new business is not more detrimental and is similar in use and a new owner may be less impactful and not detrimental. The business has migrated without permits and approvals in place and no uses are allowed by right as nonconforming.

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


By: 
Robert C. Rosa, III
Chairman

EXHIBIT B



*Granted with
Conditions*

Rockland Zoning Board of Appeals Rockland, Massachusetts 02370

A public hearing was held at 7:50 P.M. on Thursday evening Oct. 11, 1984, on the petition of Graphic Realty Trust, of 443 Webster St., with respect to property owned by them at that address for a variance from the requirements of the Zoning By-Law, TO ALLOW:

(The erection of a 40 ft x 50 ft building at the rear of the property at 443 Webster St. for storage purposes only.)

MEMBERS PRESENT: Full members Robert Banta (Chairman), Anton Materna (Secretary), David Ewell, Peter McDermott and Edward Sayian. Associate members Stanley Cleaves, Albert McPhee and James Pitts.

MEMBERS VOTING: Full members Banta, Materna, Ewell, McDermott and Sayian.

DECISION: The Board voted to GRANT with CONDITIONS the variance requested.

CONDITIONS: 1. There shall not be any Major Repairs to Equipment.

VOTING ON THE DECISION: A motion to GRANT with CONDITIONS the variance requested was made by Mr. Sayian and seconded by Mr. Ewell, The vote was unanimous.

REASONS FOR THE DECISION: 1. The Board finds that the relief desired can be granted without detriment to the public good. 2. The Board finds that the desired relief would not substantially derogate from the purpose or intent of the Zoning By-Law.

NOTICE: 1. This decision may be appealed to Superior Court pursuant to Chapter 40(A), Section 17. Said appeal must be filed within 20 days after this decision is filed with the Town Clerk. 2. Chapter 40(A), Section 11, states in part no variance or 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

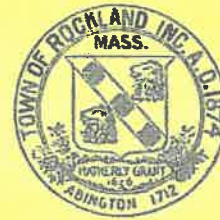
Robert Banta
Robert Banta, Chairman

EXHIBIT C



Location, ownership and detail must be correct, complete and legible.

Separate application required for every Building
Plans must be filed with this application
All distances must be exact



Permit No. _____

Fee \$ 100.00

Application for Permit for Alteration, etc.

Rockland, July 5 1967

To the BUILDING INSPECTOR:

The undersigned hereby applies for a permit to alter the following described Building, according to the Laws of the Town of Rockland and the Massachusetts State Building Code.

Location 443 WEBSTER ST.
 Sheet 36 Block _____ Lot 95
 Name of owner is? GRAPHIC KELLY TRUST Tel. No. 877 5133
 Address 443 WEBSTER ST. FORTMORRIS MASS.
 Name of Contractor is? Brian Mitchell Lic. No. 031191
 Address 27 BEECHWOOD DR. Tel. No. 378 0404
 Name of Architect is? _____ Tel. No. _____
 Address _____

DESCRIP-
TION OF
PRESENT
BUILDING

Material of building is? _____ Style of roof? _____ Material of roofing is? _____
 Size of building, feet front? _____ ; feet rear? _____ ; feet deep _____ ; No. of stories? _____
 Size of L, feet long? _____ ; feet wide? _____ ; feet high? _____ No. of stories? ; roof? _____
 No. of feet in height from sidewalk to highest point of roof? _____ Material of foundation? _____
 Thickness of external wall? _____ Party walls? _____ Distance from line of street? _____
 Width of street? _____
 What was the building last used for? _____ How many families? _____ No. of rooms? _____
 Nature of egress, front stairs? _____ back stairs? _____ Fire escape _____ Con. balconies _____
 Size of lot, front? _____ ; rear? _____ deep? _____
 Building to be occupied _____ after alteration

DETAIL OF PROPOSED WORK

30' x 60' STARRAC BUILDING (detached)
SEE ATTACHED DRAWING AND PLOT PLAN

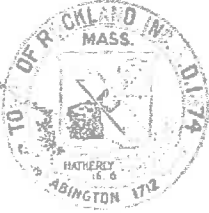
PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

Board of Health Permit No. _____ Estimated Cost? 1400.00

DESCRIPTION OF EXTENSION

Size of extension: No. feet long? _____ No. feet wide? _____ ; No. feet high above sidewalk? _____
 No. stories high? _____ Style of roof? _____ Material of roofing? _____
 Of what material will the extension be built? _____ Foundation? _____
 If of brick, what will be the thickness of external walls? _____ inches; and party walls? _____ inches
 How will the extension be occupied? _____ How connected with main building? _____

EXHIBIT D



THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS STATE BUILDING CODE

DIVISION OF INSPECTION AND ENFORCEMENT

242 UNION STREET

ROCKLAND, MASSACHUSETTS 02370



No. 6484

Rockland, Mass., Nov 6 1987

PERMIT TO DO ALTERATIONS

THIS MAY CERTIFY THAT Dorian Parker

has permission to Erect 30' x 60' Storage Shed
at 453 Webster St for
Graphic Realty Trust

providing that the person accepting this permit shall in every respect conform to the terms of the application on file at this office, and to the provisions of the Massachusetts State Building Code and Laws relating to the Construction of Buildings in the Town of Rockland, Mass. Any violation of any of the terms above noted shall work to the immediate revocation of this permit. At satisfactory completion of the work allowed under this permit the building may be used and occupied as follows:

Fee \$ 99.00

John C. [Signature]
Inspector of Buildings

PLUMBING INSPECTION	WIRING INSPECTION	BUILDING INSPECTION

This card must be displayed in a conspicuous place on the premises and not torn down or removed.

No lathing or other inside finish to be applied until authorized by the Inspector