



OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295  
NORWELL, MASSACHUSETTS 02061  
(781) 659-8018 • Fax (781) 659-1892

### Members

Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
David Lee Turner, Clerk

### Associate Members

Thomas P. Harrison  
Ralph J. Rivkind

### *FINDINGS AND DECISION* OF THE NORWELL BOARD OF APPEALS

File No. 16-01

A **PUBLIC HEARING** was scheduled on February 10, 2016, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Section 6, at the Norwell Town offices, 345 Main Street, Norwell, Massachusetts on the application of:

**Nancy P. Ferguson**  
**225 River Street**  
**Norwell, MA 02061**

For a **Special Permit** under Sections 4100, 4120, 4200, 4240 and 4241a of the Norwell Zoning Bylaw to construct a ramp, pier and float on the North River. The property is located at **225 River Street** in the Residential District A, Flood Plain and the Salt Marsh Conservation District, as shown on Assessor's Map 25A, Block 71, Lots 24 & 26, and filed with the Plymouth County District of the Land Court as Certificate of Title No. 84270.

The public hearing was duly noticed in *The Norwell Mariner* on January 21, 2016 and January 28, 2016, and posted at the Norwell Town Hall.

The Board received the following information into its files:

1. An Application for Public Hearing completed and signed by the Applicant on December 10, 2015, and date-stamped by the Town Clerk on January 8, 2016;
2. A copy of a cover letter from the Applicant dated December 15, 2015, and date-stamped by the Town Clerk on January 8, 2016;
3. A copy of the Public Notice;
4. A copy of the Norwell Assessor's information sheets on the property;
5. An Abutters list, including the Town of Marshfield;
6. A copy of "Site Plan A – Plan showing existing house location and the proposed location of a pier and float at 225 River Street, North River, Norwell" stamped and signed by John A. Capocefalo, P.E. dated November, 2015 and revised on December 1, 2015 and December 31, 2015 (the "Site Plan");
7. A copy of a Deed from Gar F. Ferguson to Nancy P. Ferguson recorded in the Plymouth County Registry of Deeds in Book 11671, Page 348, reflecting a "Parcel One - Registered Land" and a "Parcel Two – Unregistered Land";
8. A copy of Norwell Conservation Commission Order of Conditions, DEP File No. SE52-1089, dated January 5, 2016 (the "Order of Conditions");
9. A list of "Town Agencies" and "Other Agencies" notified of the Application and the status of each notice or approval.
10. A copy of correspondence from Joseph P. Norton, II, Chairman of the North River Commission, dated November 19, 2015, confirming the Commission's unanimous determination that the proposal for the construction of a pier and float is an allowed use under the Scenic and Recreational River Protective Order for the North River (the "North River Commission Letter"); and
11. A copy of an email from Kevin Maguire of the office of John A. Capocefalo, P.E. dated January 11, 2016 describing revisions to the Site Plan as of December 31, 2015, the date of the final revisions.

On February 10, 2016, Kevin Maguire of the office of John A. Capocefalo, P.E., representing the Applicant, presented the Application to the Board and described the project. The Applicant did not attend the hearing. No neighbors or abutters were present at the hearing. The Board questioned Mr. Maguire regarding the location of the salt marsh, the width of the slats on the ramp and pier, the rise and fall of the float and its proximity to the riverbank, the status of the final approval of the North River Commission, and the steps remaining to obtain the Chapter 91 license.

At the February 10th hearing, the Board made the following findings:

1. The lot known as 225 River Street is shown on Norwell Assessors Map No. 25A, Block 71, Lots 24 & 26, recorded at the Plymouth County Registry of Deeds, Book 11671, Page 348 and filed with the Plymouth County District of the Land Court as Certificate of Title No. 84270.
2. The lot consists of approximately 3.0 acres +/- according to the Site Plan, portions of which are located in the Residential A, Salt Marsh Conservation and Flood Plain zoning districts.
3. The Applicant proposes to construct and maintain a 4' wide by 10' long ramp to a 4' wide by 14' long pile supported pier with an attached 3' wide by 18'

- long ramp for access to a 9' wide by 16' long float, all as shown on the Site Plan (the "Pier and Float").
4. None of the abutters attended the hearings, or made any claim that the proposed Pier and Float would be objectionable or detrimental to the neighborhood or zoning districts.
  5. The Board specifically finds that the proposed Pier and Float will create no additional noises or odors and will not interfere with the air, light or breezes currently enjoyed by the neighbors. The proposed Pier and Float is completely consistent with the tone and character of the neighborhood, the Salt Marsh Conservation District and the Flood Plain District.
  6. Therefore, the Board finds that the proposed Pier and Float will not be detrimental to the neighborhood, and the Applicant is entitled to this finding under Sections 1400, 1420, 4120 and 4241(a) of the Zoning bylaw.

#### **DECISION OF THE BOARD:**

Based on its findings enumerated above and upon motion duly made and seconded, the Board of Appeals unanimously **VOTED** to grant a **Special Permit** in accordance with Sections 1400, 1420, 4120 and 4241(a) of the Norwell Zoning Bylaw, to construct the Pier and Float on the lot located at **225 River Street** in the Residential District A, Flood Plain and the Salt Marsh Conservation District, as shown on Assessor's Map 25A, Block 71, Lots 24 & 26, and filed with the Plymouth County District of the Land Court as Certificate of Title No. 84270 and Plymouth County Registry of Deeds in Book 11671, Page 348, subject to the following:

#### **SPECIAL CONDITIONS:**

1. The Applicant shall submit evidence to the Inspector of Buildings that the North River Commission has determined that the Pier and Float remains an allowed use under the Scenic and Recreational River Protective Order for the North River based on revisions made to the Site Plan after the date of the North River Commission Letter.
2. The Applicant shall submit evidence to the Inspector of Buildings that all conditions and requirements of the Order of Conditions of the Norwell Conservation Commission, referenced above, as they may be amended or modified, have been met, prior to issuance of a building permit.
3. The Pier and Float shall be constructed in accordance with the Site Plan presented to this Board.
4. The Applicant shall submit evidence to the Inspector of Buildings that the Applicant has obtained a license for construction of the proposed Pier and Float on the North River pursuant to Massachusetts General Laws Chapter 91, prior to issuance of a building permit for those structures.
5. The Applicant agrees that the float and ramp thereto are seasonal and may only be placed in the North River between May 1<sup>st</sup> and November 1<sup>st</sup> of each year.

#### **CONDITIONS APPLYING TO ALL DECISIONS:**

1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the

Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.

2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE:** No building permit shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The Applicant must exercise any Special Permit granted by the Board of Appeals within two (2) years from the date this decision is filed with the Town Clerk or it shall lapse.

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*LSB*

Lois S. Barbour

*Ralph J. Rykind*

Ralph J. Rykind

*Thomas P. Harrison*

Thomas P. Harrison

Date Filed with Office of the Town Clerk

This space reserved for Date  
Stamp of Town Clerk

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TOWN OF NORWELL  
TOWN CLERK

**NOTICE OF APPELLATE RIGHTS:** Any decision of the Board of Appeals may be appealed to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the Applicant's risk during the appeal period.