

OFFICE OF
BOARD OF APPEALS

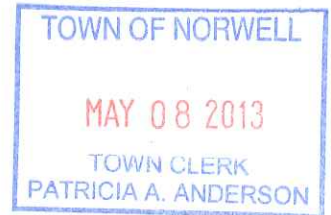
TOWN OF NORWELL

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

File No. 12-17



After Notice and hearings¹ on January 16, 2013, and April 24, 2013, as required by law, the Norwell Zoning Board of Appeals unanimously VOTED to approve and issue the following Decision upon the Application of:

AVEDIS ZILDJIAN CO.
22 LONGWATER DRIVE
Norwell MA 02061, the Applicant,

For **Site Plan Review** under Sections 1500 and 1510 and a **Special Permit** under Section 2340, Business District C, 2341(b) and (e), and Section 3120, Parking, of the Norwell Zoning Bylaw for the proposed expansion of the building on the property known and numbered as **22 Longwater Drive**, Norwell, MA (the Property), shown as Lot I, Block 18 on Assessors' Map 11C, described in the Deed to the Applicant by Philip H. Mack, dated February 23, 1971, recorded with Plymouth County Registry of Deeds in Book 3662, Page 210.

The proposed expansion (the Expansion) includes the construction of two additions (the Additions) to the existing 73,900 square foot building on the Property.

The first addition is for a two (2) story structure to accommodate twelve (12) additional employees and upgrade the existing office space. It will have an expanded footprint of 5,149 square feet and a total building area of 10,286 square feet.

The second addition will have a footprint of 1,758 square feet, will be one story, and will expand the existing break room and performance space.

Upon completion of both additions the building will have a footprint of approximately 80,807 square feet and a total building area of approximately 85,956 square feet.

The 10.00 acre site is located in Norwell Zoning District C-2. A Special Permit issued by this Board in 1997, authorized an office addition to the then existing building on the Property.

¹ N.B. Public hearing continuances were scheduled on March 6, 2013, and again on April 10, 2013, with no evidence taken and the applicant not present. The March 6, 2013, meeting was not held as the applicant was not scheduled to meet with the Planning Board until the end of March at which time recommendations were finalized to send to the Board of Appeals. The April 10, 2013, meeting was not held due to a defect in posting of the public notice by the Town Clerk.

The Board, at its hearings, aforesaid, received and marked into evidence the following Exhibits:

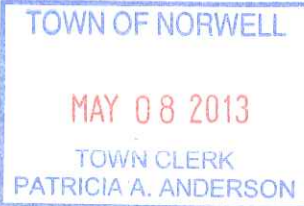
1. Application and report, dated 11/16/12 for and by the Applicant, together with all attachments
2. Certified abutters lists from the Towns of Norwell and Rockland
3. Norwell Property Record Card 12/5/12 for 22 Longwater Drive
4. Site Development Plans, dated November 16, 2012 as revised through 3/8/13, for 22 Longwater Drive Sheets 1 through 7, inclusive
5. 22 Longwater Drive Proposed Elevations, overall floor plan, and proposed floor plans, dated 11/12/12, filed with the Application (three sheets)
6. 22 Longwater Drive Site Development Plans, filed with the Application on 11/26/12, consisting of sheets 1 through 6, inclusive, with Sheet 2, Existing Conditions Plan stamped by a Professional Land Surveyor, and sheets 3 through 6, inclusive all stamped by a Professional Registered Engineer
7. Site Plan Review by John C. Chessia, P.E., for the Norwell Planning Board, dated 12/27/12
8. Supplemental Site Plan Review by John C. Chessia, P.E., for the Norwell Planning Board, dated 3/21/13, consisting of 20 pages
9. Memorandum and recommendations of the Norwell Planning Board to the Norwell Board of Appeals concerning the Application (Zildjian) for 22 Longwater Drive, dated 3/27/13
10. Letter of Kelly Engineering Group, Inc. to the Norwell Planning Board, copy to the Board, dated 3/13/13, concerning the Application and building expansion at 22 Longwater Drive

The Exhibits, aforesaid, were incorporated into and made a part of the record of the hearing upon the Application.

FINDINGS:

The Board adopts the facts as set forth above in the Exhibits and as stated.

1. The Existing building on 22 Longwater Drive contains approximately 73,900 square feet. The Application requests a Special Permit that would allow two additions to expand the footprint of the existing structure to approximately 80,807 square feet and a total building area of approximately 85,956 square feet, in accordance with the Exhibits filed by the Applicant, as modified through March 8, 2013, in the letter of Kelly Engineering Group, Inc., dated March 13, 2013, marked as Exhibit 10, and in the letter of John C. Chessia, P.E., dated March 21, 2013, marked as Exhibit 8.
2. The Board finds that the Site Plan, as modified by the recommendations of John C. Chessia in Exhibit 8, and the Planning Board in its letter of March 27, 2013, Exhibit 9, are consistent with and satisfy the requirements in Section 1500 of the Zoning By-law, including, without limiting the foregoing, Sections 1541, 1542 and 1543.
3. The Board finds that the proposed use, as expanded by the proposed additions, will not be detrimental to the neighborhood and/or Zoning District, the conduct of said proposed expanded use will not significantly alter the character of the Zoning district and will not be injurious, noxious or offensive to the neighborhood. See the report of the Planning Board, Exhibit 9.
4. The Board finds that the proposed use will not impact upon and is not located in the Aquifer Protection District.
5. The Board finds that special conditions and circumstances support the approval of the request to approve 136 parking spaces on the site. The Planning Board, in its report, Exhibit 9, details the reasons for such approval, which this Board adopts in making this Finding. In addition, the Board finds that present operations and experience demonstrates that the requested approval of the existing 136 parking space has and will continue to provide the reasonable and necessary demand for parking on the site.

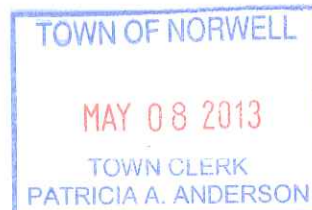


The terms and conditions in all prior permits and decisions by this Board concerning the Property are hereby ratified and confirmed.

DECISION OF THE BOARD:

Upon a motion duly made and seconded, the Board of Appeals UNANIMOUSLY APPROVES the Site Plan and Special Permits requested in the Application subject to the following special conditions:

1. All plans are subject to peer review by the Board's consultant in accordance with the scope of services for this project, prepared by Chessia Consulting Services LLC, dated 4/11/13, or amendments thereto.
2. Further, the Board's consultant shall provide construction monitoring of the project in accordance with the aforementioned scope of services, which shall be funded at the sole expense of the applicant at the time of application for a building permit.
3. Prior to Construction: The plans and any other required construction documents shall include a revised Site Plan with all elements required in this Decision and those also agreed upon by the Applicant that will be recorded with this Decision.
4. The Applicant shall identify on the Site Plan any private wells within 100 feet of the site or include a note that none have been identified.
5. Prior to Construction: A final Erosion and Sedimentation Control Plan shall be provided a minimum of two weeks prior to construction that includes the following:
 - a. A separate plan indicating the location of erosion controls, soil stockpiles, temporary sedimentation basins, access point soil trap, etc.
 - b. Sizing calculations for temporary basins if required and other temporary measures as described in the DEP Handbook.
 - c. Contact name and phone number for responsible party.
 - d. Schedule for construction.
 - e. Schedule for inspections and checklist for inspections.
 - f. Access route for construction of the additions with stabilized access.
 - g. Construction phase Operation and Maintenance Plan (O&M), including site specific erosion and sediment control notes.
6. The existing stormwater system shall be cleaned and inspected.
7. The Applicant shall make best efforts to fit catch basins with gas trap/hoods if not present.
8. The Water Department shall be allowed access to upgrade the metering equipment and its configuration.
9. The O & M shall require that catch basins be inspected quarterly per DEP guidelines.
10. Prior to issuance of a Certificate of Occupancy:
 - a. The applicant shall make best efforts for site lighting to comply with Dark Sky lighting standards.
 - b. The applicant shall identify the undersized parking spaces as dedicated for "compact vehicles only".



CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

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 ZBA within two (2) years from the date of the decision or it shall lapse.

CONDITIONS APPLYING TO ALL SITE PLAN REVIEWS:

1. **RECORDING OF THE DECISION:** A certified copy of this Decision with all documents referenced in Paragraph 2 below shall be filed with the Registrar of Deeds or Recorder of the Land Court, as appropriate. The applicant shall return a copy of the recording fee receipt to the Board of Appeals for its files.
2. **PLAN SET AND DOCUMENTS TO BE RECORDED WITH THIS DECISION:** The Applicant shall file with the Town Clerk, a signed copy of the approved Plan Set entitled, *Zildjian Campanelli, 22 Longwater Drive, Norwell, MA*, prepared by Kelly Engineering Group, Inc. of Braintree, MA, dated November 16, 2012, with revisions dated May 8, 2013, stamped and signed by David N. Kelly, P.E., and Steven M. Horsfall, R.L.S., as endorsed by the Board of Appeals and described in Exhibit 4 above, and, also, as part of this Decision, with the Registrar of Deeds and/or Recorder of the Land Court, specifically:
 - a. Final Site Plan (Sheet No. 4)
 - b. Existing Conditions Plan (Sheet No. 2)
 - c. Layout & Zoning Plan (Sheet No. 3)
3. **EFFECTIVE DATE OF APPROVAL:** The zoning approvals granted by the Board of Appeals shall take effect only at such time as this Decision, supporting documents as referenced in Site Plan Review Conditions, Paragraph 2 above, and the approved plan set are filed with the Office of the Town Clerk of the Town of Norwell, and recorded with the Registrar of Deeds or Recorder of the Land Court. *NOTE: Evidence of recording of the Board's Decision and documents specified in Site Plan Review Conditions, Paragraph 2 above, shall be provided to the Building Inspector, prior to issuance of any building permit.*
4. **LAPSE OF SITE PLAN APPROVAL:** The applicant shall complete any work described in the site plan approved by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or approval granted herein shall lapse.
5. **LAPSE OF SPECIAL PERMIT:** The applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.
6. **EXTENSION OF APPROVALS:** The Board of Appeals may grant an extension of such time as it may deem necessary to carry the approved site plan into effect. However, the applicant must file an application for any such extension prior to expiration or a new Site Plan and/or Special Permit application shall be required. Any

such extension(s) shall be certified by the Board of Appeals to the Town Clerk and shall include the date on which any such extension is to lapse.

7. **SITE LIGHTING CERTIFICATIONS: Prior to issuance of a Certificate of Occupancy**, the property owner or Applicant shall provide to the Building Inspector, certifications by a competent professional that all site lighting conforms to International Dark-Sky standards.
8. **AS-BUILT PLANS: Prior to issuance of a Certificate of Occupancy**, the property owner or Applicant shall provide *As-built* plans, signed and stamped by a registered professional engineer, landscape architect, and/or professional land surveyor, as appropriate, in accordance with Section 1560 of the Norwell Zoning Bylaw.
 - a. These plans shall show:
 - i. Pavement locations, building locations, lot lines, driveway locations, all utilities above and below ground such as water, gas, electric, septic, telecommunication, utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, other drainage with pipe size and invert.
 - ii. All utility easements; ties from building foundations to utility services.
 - iii. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is.
 - b. Further, the project design shall be checked against the filed *As Built* plans and reviewed by the Town's consulting engineer at the sole expense of the Applicant for compliance with the project plans as approved by the Board of Appeals.
 - c. No Certificate of Occupancy may issue until documentation of a clean review, complying with all relevant conditions of this decision, is submitted to the Board of Appeals and to the Building Inspector with such other documents and/or certifications, as may be required by the Building Inspector. Five (5) copies of each plan shall be submitted to the Building Inspector (1 copy), Board of Appeals (3 copies), Town's Consulting Engineer (1 copy).

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Lois S. Barbour

Lois S. Barbour

Thomas P. Harrison

Thomas P. Harrison

David Lee Turner

David Lee Turner

*This space reserved for
Date Stamp of Town Clerk*

Date Filed with Office of the 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.