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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
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Members

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

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

CONFIRMATORY FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 13-16

A PUBLIC HEARING(s) was held on December 4, 2013, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

Bruce F. Meacham, Trustee
342 Mount Blue Street Realty Trust
342 Mount Blue Street
Norwell, MA 02061

For a **Special Permit** (Sections 1400, 1420, 2313 and 2316) under the Norwell Zoning Bylaws to operate a horse farm. The property is located at **342 Mount Blue Street** and shown on Assessor's Map 2D, Block 6, Lot 1, Registry of Deeds Book 356653, Page 7, Land Court Cert #119338, 7/23/13, Lot 1 and Lot 2 on Land Court Plan #43439A, in Residential District A. Total Land area is 1,838,153 sq. ft (approximately 42 acres). The Public Hearing for this application was duly noticed in The Norwell Mariner on 11/28/13 and in the Patriot Ledger on 11/18/13, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant and representatives were in attendance at the hearing to present the application. There was no voiced opposition; although there was support for the application.

The Board received the following information into its files:

1. Copy of the legal notice for *The Norwell Mariner*
2. Abutters List
3. Application, completed and signed by the owner of the property and the applicant, date-stamped on November 15, 2013, by the Town Clerk
4. A Plan of the property, date-stamped on November 15, 2013, by the Town Clerk
5. Assessors Card print-out for the lot
6. A Conservation Commission Review dated December 2, 2013, stating, among other things, that the "barn and pasture project are to be located within the existing fields."

FINDINGS:

1. The proposed vegetable farm and horse farm, which will include horse breeding and a riding school, are agricultural pursuits under section 2313(b). The proposed barn will be approximately 11 feet by 61 feet and is set well back on the property (over 300 feet) with an adequate area for parking.
2. The applicant represented that no public or private horse shows or similar activities will be held relating to use of the property that could result in increased traffic or parking on the public way.
3. The proposed addition will not significantly alter the character of the zoning district, as it fits with the character of the neighborhood. Moreover, the property has been used for agricultural pursuits for many years.
4. The use will not be detrimental to the neighborhood or zoning district.
5. The proposed use will not be injurious or otherwise hazardous to the community.

DECISION OF THE BOARD:

Based on the application and evidence presented and its findings above, upon a motion was duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit to allow the vegetable farm and horse farm, including horse breeding and a horse riding school located at the property known as **342 Mount Blue Street**, subject to the following:

SPECIAL CONDITIONS:

All construction will be in accordance with the requirements of the Conservation Commission and the Board of Health.

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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.



Lois S. Barbour



Philip Y. Brown



Thomas P. Harrison

Date Filed with Office of the Town Clerk

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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.