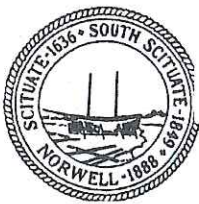


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## TOWN OF NORWELL



OFFICE OF  
BOARD OF APPEALS

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. 05-57*

A Public Hearing by the Norwell Zoning Board of Appeals was scheduled on February 4, 2015, under M.G.L. c. 40A, Sections 9 and 10, at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**Sign Design**  
**170 Liberty Street**  
**Brockton, MA 02301**

For a **Sign Variance** under Sections 3300 (Signs), 3323 (All Business Districts), 3323(b), on behalf of JPM Realty, Inc. (Brooks Associates) and Glades Rd. Realty and MK Sankaty Rd. LLC, as property owners, to add a second monument sign, 44" high by 60" wide, internally illuminated, for the business at a separate entrance on site, where only one free-standing sign per lot not to exceed twenty-five (25) square feet in area or eight (8) feet on any one side is allowed under the Norwell Zoning Bylaw. An existing monument sign (ladder fashion) at a separate entrance on site is being replaced by a

monument sign for P.V. Bathworks. Property is located at **300 Longwater Drive** in Business District C-2 and shown on Assessor's Map 17B, Block 18, Lot 54, and recorded at the Plymouth Country Registry of Deeds Book 26182 Page 69.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on January 15, 2015, and January 22, 2015.

Walter B. Sullivan, Esq., the Applicant's attorney, and Scott Ferrigno from Sign Design, Inc., representing the Applicant, presented the application and responded to Board questions during the public hearing.

No member of the public was present in the audience and no outside correspondence was received relating to this application, either in support of or in opposition to this application.

**FILE DOCUMENTATION:**

1. Copy of the legal notice
2. Assessors' Card and list of abutters receiving notice
3. Letter of December 9, 2014, from the Norwell Inspector of Buildings, denying issuance of a sign permit without zoning relief from the Norwell Board of Appeals
4. Completed application for a public hearing, dated December 11, 2014, signed by Dennis Prifti of Sign Design
5. Sign Design letter of authorization, dated January 7, 2015, from Dennis Prifti with attachment signed by owners' representatives
6. Sign Design plan, dated 12/2/14, showing a proposed second double-sided pylon sign to be located at the second entrance at 300 Longwater Drive for "Brooks Associates"
7. Sign Design plan, dated 11/2/14, showing the site layout with locations of the proposed new and replacement signs

**FINDINGS OF THE BOARD:** Based upon the evidence submitted and/or upon representations made by the Applicant during the public hearing, the Board finds the following:

1. There are two separate entrances located at 300 Longwater Drive that serve two separate and unrelated businesses.
2. The proposed second sign is necessary to adequately identify the entrance for Brooks Associates.
3. The replacement sign for the other building occupant, P.V. Bathworks, will be of the same size, style, and design as the proposed second sign.
4. Identification of the two separate business occupants will promote public health, and safety concerns in the event emergency services are required at that location.

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5. The Board further finds that:
  - a. A literal enforcement of the provisions of this bylaw would involve a substantial hardship to the petitioner or appellant. (See Finding 4 above.)
  - b. The hardship is owing to circumstances relating to the configuration of the two access points/driveways to the building.
  - c. Granting of relief is of benefit to the public health, safety, and welfare and does not substantially derogate from the intent or purpose of this Bylaw.

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

Based upon the application received, representations by the Applicant, and evidence presented during the public hearing, upon a motion duly made and seconded, members of the Board of Appeals **VOTED** unanimously to grant the requested zoning relief for the property located at **300 Longwater Drive** in order to add a second pylon sign in accordance with the plans submitted.

### **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 the 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. ***LAPSE OF VARIANCE:*** The Applicant must exercise any Variance granted by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.

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*Lois S. Barbour*

Lois S. Barbour

*David Lee Turner*

David Lee Turner

*Thomas P. Harrison*

Thomas P. Harrison

*This space is for Date Stamp of  
Town Clerk*

**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.