



OFFICE OF  
BOARD OF APPEALS

# TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061  
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MEMBERS

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Philip Y. Brown, Vice Chair  
David Lee Turner, Clerk

*Associate Members*

Thomas P. Harrison  
Ralph J. Rivkind, Assistant Clerk  
Roy W. Bjorlin  
Matthew H. Greene

## FINDINGS AND DECISION of The Norwell Board Of Appeals *File No. 18-14*

A Public Hearing before the Norwell Zoning Board of Appeals was scheduled on July 25, 2018, and continued to September 12, 2018, under NZBL Section 1500 and M.G.L. c. 40A, at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**Village Pond, LLC  
75 North Beacon Street  
Allston MA 02134**

For **Special Permit and Section 6 Finding** under the Town of Norwell Zoning Bylaw Section 1510 for use of the property located at **61 Accord Park Drive**, consisting of three acres, in Business District C-1, as shown on Assessor's Map 17, Bock 17, Lot 57, and recorded in the Plymouth County Registry of Deeds at Book 31843, Page 57.

Notice of the public hearing was posted at Town Hall and duly advertised in the *Norwell Mariner* on July 5 and July 12, 2018.

Bruce Issadore, Esq. representing the Applicant, was in attendance at the public hearing and presented the application to the Board and responded to questions during the public hearing.

No member of the public spoke either in support of or in opposition to this application.  
**FILE DOCUMENTATION (includes without limitation):** The following documents, plans and reports were received into evidence:

1. Copy of the legal notice
2. Abutters List
3. Assessor's card for 61 Accord Drive, Norwell.
4. Documents from the application for a Site Plan/Special Permit, signed by Village Pond, LLC, on 6/20/18, and date-stamped by the Town Clerk on 6/25/18, consisting of the following:
  - a. Completed Form ZBA-1: Site Plan Review with Special Permit and/or Section 6 Finding application
  - b. Completed Form ZBA-1A: Site Plan Review: Supplemental Information
  - c. Plan of Land in Plymouth County for 61 Accord Park Drive, Norwell, MA, dated 6/7/18, signed and sealed on 6/12/18 by Jeffrey P. Bradford, P. L.S.
  - d. Site Plan Modification Plan set (date-stamped by the Norwell Town Clerk on 6/25/18), signed and sealed by Timothy Letton, R.P.E. of Greenman-Pedersen, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, dated 6/7/18, as revised through 6/13/18, consisting of the following drawings:
    - Page 1 Cover Sheet, entitled "Site Plan Modification/ 61 Accord Park Drive, Norwell, MA"
    - Page 2 Plan of Land (See "c" above for description)
    - Page 3 Grading and Drainage Plan
    - Page 5 Sections
    - Page 6 Details
    - Page 7 Details
5. Revised Site Plan Modification Plan set (date-stamped by the Norwell Town Clerk on 6/25/18), signed and sealed by Timothy Letton, R.P.E. of Greenman-Pedersen, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, dated 6/7/18, as revised through 7/18/18, consisting of the following drawings:
  - Page 1 Cover Sheet, entitled "Site Plan Modification/ 61 Accord Park Drive, Norwell, MA"
  - Page 2 Plan of Land (See "c" above for description)
  - Page 3 Grading and Drainage Plan
  - Page 5 Sections
  - Page 6 Details
  - Page 7 Details

**FINDINGS OF THE BOARD:** Based upon the evidence received, the Board finds:

1. The Property (the Property) is known and numbered as 61 Accord Park Drive and is shown on the Assessor's Map 17, Block 17, Lot 57 in Business District C-1, containing three (3.0) acres according to the Assessors' card.
2. The Property is entirely within the Business C-1 Zone.
3. This building and the site in general have been and will continue to be used for commercial purposes.

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4. The Applicant proposes to use the building for warehousing of high-end automobiles in conjunction with its present business located at 75 Pond Street, Norwell, MA, an allowed use under NZBL §2341 c) and i).
5. The proposed use meets the criteria for NZBL §1420 a), as the conduct of the proposed use will not be detrimental to the neighborhood and zoning district. The existing building has been used as a warehouse and will now be used for temporary storage of automobiles, as proposed by the Applicant.
6. The conduct of the proposed use meets the criteria for NZBL §1420 b), as it will not significantly alter the character of the zoning district, which is comprised of buildings used for commercial purposes.
7. The conduct of the proposed use meets the criteria for NZBL §1420 c), as it will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause. The applicant has represented that the building will be used for temporary storage of automobiles, relating to its current business operations at 75 Pond Street.
8. The Applicant is also proposing to increase the impervious surface by paving a section of the property that will be addressed in a separate Site Plan Review decision after the Applicant meets with the Planning Board.

**DECISION OF THE BOARD:** Based upon representations by the Applicant as delineated in the Findings of the Board above and evidence received into the public record and presented during the public hearing, upon a motion duly made and seconded, Members Brown, Turner, and Harrison **VOTED** unanimously to approve the application for a Special Permit for property located at 61 Accord Park Drive in accordance with the application submitted, subject to the following:

**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.  
**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.**  
**EFFECTIVE DATE OF APPROVAL:** The zoning relief 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 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 as provided in any extension thereof as detailed in the Board's Rules, or it shall lapse.

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 RECORDING DEPARTMENT

*Philip Y. Brown* 28 Chair on behalf of P413  
Philip Y. Brown

*David Lee Turner*  
David Lee Turner

*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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**NOTICE OF APPELLATE RIGHTS:** Any decision of the Board of Appeals may be appealed pursuant to Massachusetts General Laws, Chapter 40A, Section 17, to the Land Court or Superior Court Department 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.