

OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

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

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### FINDINGS AND DECISION of The Norwell Board Of Appeals

*File No. 18-16*

A Public Hearing by the Norwell Zoning Board of Appeals was scheduled on September 12, 2018, under M.G.L. c. 40A, Sections 9 and 10, at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**New England Spas  
45 Pond Street  
Norwell, MA 02061**

For a **Sign Variance** under Norwell Zoning Bylaw Section 3323(c) on behalf of New England Spas, to install a 128"x43" aluminum sign with LED illumination. Property is located at **45 Pond Street** in Business District C-1, as shown on Assessor's Map 11A & 11B, Block 17, Lot 83, and recorded at the Plymouth Country Registry of Deeds Book 11076 Page 137.

The Public Hearing for this application was duly noticed in *The Patriot Ledger* on August 30, 2018 and September 6, 2018.

The Store Manager for New England Spas, Greg Cady, 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 to speak in favor of or in opposition to this application.

**FILE DOCUMENTATION:**

1. Copy of public notice.
2. Assessors' Card.
3. Completed application for a public hearing, date-stamped by the Town Clerk and the Board of Appeals on July 16, 2018, and signed by Tom Alex, President, New England Spas on May 20, 2018.
4. Graphics Unlimited Proposal # 42902 with photograph rendition of proposed sign.

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

1. The building for which the sign change is proposed fronts on Pond Street and does not face any residents.
2. The proposed sign is consistent in size and illumination with tenants in the same plaza and adjacent commercial lot.
3. The design and lettering is consistent with the business' established logo.
4. New England Spas agrees that the blue waves decal on either side of the proposed sign will not extend greater than 8 feet.
5. The Board further finds that the granting of relief does not substantially derogate from the intent or purpose of this Bylaw, as the square footage of the sign and sign placement is necessary to manufacture a sign using the established design and logo by the business.

**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 **45 Pond Street**, in order to install the 128"x43" aluminum sign with LED illumination, with the condition that the blue waves decal not extend longer than 8 feet on either side of the sign.

**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.**

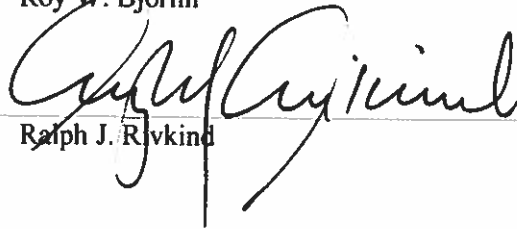
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3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds 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.

  
David L. Turner

  
Roy W. Bjorlin

  
Ralph J. Rivkind

**Date Filed with Office of the Town Clerk**

This space is for Date Stamp of  
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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.