

TOWN OF NORWELL
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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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. 18-32

A PUBLIC HEARING was scheduled on April 3, 2019, and continued to May 1, 2019, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Section 6, at the Norwell Town offices, 345 Main Street, Norwell, Massachusetts on the application of:

Domenic Mazzocco
45 Cedar Point, P. O. Box 493
Norwell, MA 02061

For a **Special Permit** under Sections 1400, 1420, 4120, 4200, and 4241a of the Norwell Zoning Bylaw to remove and rebuild a private pier and float for non-commercial docking on property located at **45 Cedar Point** in the Residential District A, Flood Plain and the Salt Marsh Conservation District, as shown on Assessor's Map 25B, Block 71, Lot 43, and filed with the Plymouth County District of the Land Court as Certificate No. 114347.

The public hearing was duly noticed in *The Norwell Mariner* on March 7, 2019, and March 14, 2019, and posted at the Norwell Town Hall in accordance with the Open Meeting Law.

The Board received the following information into its files:

1. An Application for Public Hearing completed and signed by the Applicant on February 21, 2019,
2. Letters from the Applicant dated 12/18/18, 2/19/19, and 5/1/19, to NFIP, State Coordinator, ZBA, and Marshfield Board of Selectmen.
3. A copy of the Public Notice
4. A copy of the Norwell Assessor's card on the property;
5. An Abutters list, including the Town of Marshfield;
6. Letter dated 4/1/19 to Norwell Conservation Commission from applicant Domenic Mazzocco
7. A copy of "Site Plan A – Plan showing existing house location and the location of a pier and float at 45 Cedar Point, North River, Norwell" stamped and signed by John A. Capocefalo, P.E. dated November, 2018, and revised January 8, 2019
8. Deed copy filed with the Plymouth County District of the Land Court as Certificate No. 114347
9. Letters, dated 2/21/19 and 5/1/19, from the Commonwealth of Massachusetts Division of Marine Fisheries
10. Letters dated 11/17/18 and 4/8/19 from North River Commission to Applicant
11. Norwell Conservation Commission abutters' notification for 3/5/19 meeting
12. A copy of Norwell Conservation Commission Order of Conditions, dated April 29, 2019
13. A list of "Town Agencies" and "Other Agencies" notified of the Application and the status of each notice or approval.
14. Printed photos of the existing pier, showing water and broadside views
15. Letter dated 5/1/19 from Kevin Maguire.

On April 3, 2019, Kevin Maguire of the office of John A. Capocefalo, P.E., representing the Applicant, presented the Application to the Board and described the project. The owner, Domenic Mazzocco, was also present and responded to questions. No neighbors or abutters were present at the hearing in support of or in opposition to this project.

FINDINGS: The Board made the following findings of fact:

1. The lot known as 45 Cedar Point is shown on Norwell Assessors Map 25B, Block 71, Lot 43, as filed with the Plymouth County District of the Land Court as Certificate No. 114347.
2. The property is located in Residential District A, Flood Plain and the Salt Marsh Conservation District
3. The lot consists of approximately 4.15 acres +/-, which according to the Site Plan, portions of which are located in the Salt Marsh Conservation and Flood Plain zoning districts.
4. The Applicant proposes to demolish and reconstruct the proposed 3.6' x 30' pier with a 3.6' x 10' access ramp. The decking of the pier will be constructed at a height of 6.1' with the deck's stringers at 5.4' above the marsh at the mean high-water line. The proposed ramp to the float is 3' x 25'. The proposed float is 10' x 18'.

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5. The replacement dock, pier, and float shall be constructed in accordance with the submitted plan, described in File Inventory No. 7 above.
6. No abutter attended the hearings, or made any claim that the proposed Pier and Float would be objectionable or detrimental to the neighborhood or zoning districts.
7. The Board specifically finds that the proposed Pier and Float will create no additional noises or odors and will not interfere with the air, light or breezes currently enjoyed by the neighbors. The proposed Pier and Float is consistent with the tone and character of the neighborhood, the Salt Marsh Conservation District and the Flood Plain District.
8. Therefore, the Board finds that the proposed Pier and Float will not be detrimental to the neighborhood, and the Applicant is entitled to this finding under Sections 1400, 1420, 4120 and 4241(a) of the Norwell Zoning Bylaw.

DECISION OF THE BOARD:

Based on its findings enumerated above and incorporated herein as part of this decision, upon motion duly made and seconded, Members Brown, Rivkind, and Barbour **VOTED** unanimously to grant a **Special Permit** in accordance with Sections 1400, 1420, 4120 and 4241(a) of the Norwell Zoning Bylaw, to construct the replacement pier, ramp, and float on property located at **45 Cedar Point**, subject to the following:

SPECIAL CONDITIONS:

1. The Applicant shall submit evidence to the Inspector of Buildings that the North River Commission has determined that the Pier and Float remains an allowed use under the Scenic and Recreational River Protective Order for the North River based on revisions made to the Site Plan after the date of the North River Commission Letter.
2. The Applicant shall submit evidence to the Inspector of Buildings that all conditions and requirements of the Order of Conditions of the Norwell Conservation Commission, referenced above, as they may be amended or modified, have been met, prior to issuance of a building permit.
3. The Pier and Float shall be constructed in accordance with the Site Plan presented to this Board.
4. The Applicant shall submit evidence to the Inspector of Buildings that the Applicant has obtained a license for construction of the proposed Pier and Float on the North River pursuant to Massachusetts General Laws Chapter 91, prior to issuance of a building permit for those structures.
5. The Applicant agrees that the float and ramp thereto are seasonal and may only be placed in the North River between May 1st and November 1st of each year.

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6. The Applicant shall provide an As-Built Plan, satisfactory to the Building Inspector, prior to issuance of a Certificate of Occupancy.

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 (20) 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 Board of Appeals within two (2) years from the date this decision is filed with the Town Clerk or it shall lapse.

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Lois S. Barbour



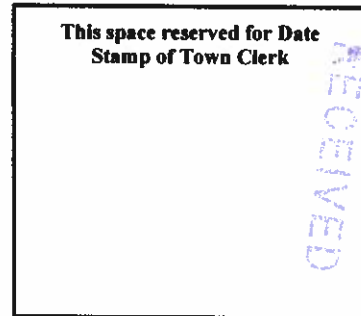
Philip Y. Brown



Ralph J. Rivkind

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 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.