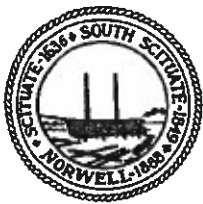


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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

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FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 19-01

A Public Hearing before the Norwell Zoning Board of Appeals was scheduled on May 1, 2019. The hearing was opened, closed, and voted on that date under NZBL Sections 2340 and 2341(e), at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**Radio Solutions, Inc.
55 Accord park Drive
Norwell, MA 02061**

For a **Special Permit** under Section 2341(e) of the Norwell Zoning Bylaw. The applicant seeks approval of a Special Permit for use as a business or professional office over 5,000 gross square feet. The property is located at **52 Accord Park Drive** in Business District C-1 and Wireless Facility Overlay District as shown on Assessor's Map 11A, Block 17, Lot 26 and recorded at the Plymouth County Registry of Deeds in Book 6659, Page 8. The building was built in 1982.

Notice of the public hearing was posted at Town Hall and duly advertised in the *Norwell Mariner* on X, and Y, in accordance with the Open Meeting Law.

The Applicant, Radio Solutions, Inc., was represented by John J. Amendolare, Esq., who presented the application and responded to member questions, as well as the owner of Radio Solutions, Inc., Admir Surkovic. No member of the public spoke in opposition to the proposed application.

FILE DOCUMENTATION (includes without limitation): The following documents were received into evidence:

1. Letter dated March 13, 2019 from John J. Amendolare;
2. Application, dated March 14, 2019, signed by the Owner, Paul T. Casale, as Trustee of Fifty-Two Accord Park Drive Realty Trust, and Admir Surkovic as owner of the Applicant, and date-stamped by the Town Clerk on March 19, 2019;
3. Consent of Owner, undated;
4. Applicant's 2018 Annual Report;
5. Plot Plan dated March 4, 2019, by DesLauriers & Associates, Inc.;
6. ALTA/ASCM Land Title Plan dated August 11, 1998, by DeC3elle Engineering & Survey, Inc.;
7. Town of Norwell Assessor's Plan;
8. Copy of the Board decision dated September 1, 1982 granting a Special Permit;
9. Copy of the Affidavit and Letter from the Board Chairperson dated January 7, 1983
10. Copy of the Board decision dated May 14, 1984 granting a sign variance
11. Assessor's card for 52 Accord Park Drive, Norwell; and
12. Norwell Board of Health email from Health Agent Ben Margro, dated March 18, 2019.

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

1. The Property (the Property) is known and numbered as **52 Accord Park Drive** in Business District C-1 and Wireless Facility Overlay District as shown on Assessor's Map 11A, Block 17, Lot 26 and recorded at the Plymouth County Registry of Deeds in Book 6659, Page 8.
2. The property has been and will continue to be used for commercial purposes.
3. The Applicant proposes to use its leased portion of the building as a public safety radio communication company;
4. The proposed use meets the criteria for a Special Permit under NZBL §1420(a) as the conduct of the proposed use will not be detrimental to the neighborhood and zoning district. The business, as proposed by the Applicant, does not constitute a change of use from the previously approved business.
5. 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.
6. 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 Board has received notification from the Health Agent, confirming the proposed operation as a public safety radio communication company satisfies Board of Health requirements.

DECISION OF THE BOARD: Based upon representations by the Applicant as delineated in the Findings of the Board above and incorporated by reference herein, upon a motion duly made and seconded, the Board **VOTED** unanimously to approve the application for a Special Permit for use as a business or professional office over 5,000 gross square feet, located at **52 Accord Park Drive**, in accordance with the application submitted, subject to the following:

CONDITIONS APPLYING TO ALL DECISIONS:

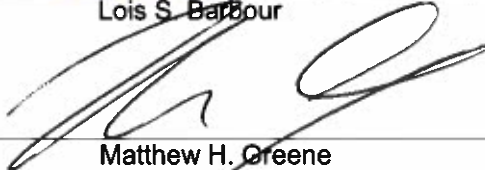
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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.
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 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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Lois S. Barbour



Matthew H. Greene



Phillip Y. Brown

Date Filed with Office of the Town Clerk

**This space reserved for
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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.