



OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061  
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## FINDINGS AND DECISION *of* The Norwell Board of Appeals

**File No. 19-08**

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A Public Hearing before the Norwell Zoning Board of Appeals was scheduled on July 10, 2019, and was opened, closed, and voted on that date under M.G.L. c. 40A sec. 9 at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**Harold O'Callaghan  
Bowline Construction  
84 Weymouth Street  
Rockland, MA 02370**

For a **Special Permit** under Norwell Zoning Bylaw § 2334(a) and (c) (uses allowed by special permit). The applicant seeks approval of a Special Permit for use of office space and storage of scaffolding, trucks, and equipment at property located at **412R Washington Street** in Business District B-1, as shown on Assessor's Map 18B, Block 34, Lot 7 and recorded at the Plymouth County Registry of Deeds in BK 44786, PG 313. The structure was built in 1980 on a lot consisting of 8.17 acres.

Notice of the public hearing was posted at Town Hall and duly advertised in the *Norwell Mariner* on June 19, 2019, and June 26, 2019, in accordance with the Open Meeting Law.

The Applicant, Harold O'Callaghan of Bowline Construction, was represented by Jeffrey DeLisi, who presented the application and responded to member questions. John Zagoren, representing the property owner Unicorn Realty, was also present. Herb Newall from Friends of the Homeless that had received notification was concerned about visual impact to that property. However, the subject application is for a building located at the rear of the lot and not visible from that location, which addressed his concern. 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. Copy of the legal notice
2. Abutters List
3. Assessor's cards for 412 Washington Street, Norwell, showing the Owner as Grove and Washington LLC, William J. Murphy, Jr., Trustee
4. Application, signed and dated 6/12/19, and date-stamped by the Town Clerk on 6/17/19.
5. The Board received sign-offs from the Norwell Board of Health in emails from Ben Margro, dated June 9, 2019, and from the Conservation Commission from Nancy Hemingway, dated June 20, 2019.
6. Existing Conditions Plan for 412 Washington Street, dated September 16, 2010, prepared by Land Planning, Inc., showing building locations with the building that is the subject of this application shown at the rear of the property.
7. Drawing entitled "Sewage Disposal/ System Repair/ at/ 412 Washington Street/ Norwell, MA/ Assessors' Map 18B, BLK 34, Lot 7", prepared by Spath Engineering Inc. of 433 Washington Street, Norwell, MA, dated September 30, 2011, signed and sealed by Phillip Spath, P.E. and Ralph H. Cole, P.L.S.

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

1. The Property (the Property) is known and numbered as **412R Washington Street** in Business District B-1 as shown on Assessor's Map 18B, Block 34, Lot 7 and recorded at the Plymouth County Registry of Deeds in BK 44786, PG 313.
2. The Property is entirely within the Business B-1 Zone.
3. The property has been and will continue to be used for commercial purposes.
4. The Applicant proposes to use its leased 16,000 sq. ft. of the building for office use, as well as loading, storage, and maintenance of scaffolding and hoisting equipment.
5. The Applicant represented that the business's usual hours of operation will be from 6:00 A.M. to approximately 7:00 P.M.
6. The proposed use meets the criteria for a Special Permit under NZBL § 2334(a) and (c), as the conduct of the proposed use will not be detrimental to the neighborhood and zoning district. The business, as proposed by the Applicant,

qualifies as a service establishment, an allowed use by Special Permit under NZBL § 2334(a) and (c).

7. 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 B-1, which is comprised of buildings used for commercial purposes.
8. 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.

**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 the scaffolding rental company, located at **412R Washington Street**, 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 or occupancy 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



Ralph J. Rivkind



Stephen T. Bright

Date Filed with Office of the Town Clerk

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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.