

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
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Members

Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk

Associate Members

Daniel Senteno, Assistant Clerk
Nicholas K. Dean
William J. Lazzaro
Stephen H. Lynch

FINDINGS AND DECISION

of

The Norwell Board of Appeals

File No. 21-10

A Public Hearing before the Norwell Zoning Board of Appeals was scheduled on June 16, 2021, continued on June 30, 2021, and was opened, closed and voted on these dates under M.G.L. c. 40A sections 6 and 10 at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

Aurilene Ribeiro Da Silva
333 Spring Street
Rockland, MA 02370

For a **Special Permit** under § 201-3.2A and 3.3; and § 201-8.3 D(7), Body Art Establishments; Applicant seeks approval for operation of a Permanent Make-Up & Microblading Establishment, which requires a Special Permit. Property is located at **454 Washington Street, Suite 25**, Norwell, MA in Business District B as shown on Assessor's Map 18B, Block 34, Lot 10, and recorded at the Plymouth County Registry of Deeds in Book 14885 Page 186. The lot consists of 1.96 acres and was constructed in 1982.

Notice of the public hearing was posted at Town Hall and duly advertised in *The Mariner* on May 26, 2021, and June 2, 2021, in accordance with the Open Meeting Law. A copy of the application was made available at the Town Clerk's office, and posted on the Board's webpage at <https://www.townofnorwell.net/board-appeals>.

The Applicant, Aurilene Ribeiro Da Silva of Lene Beauty, presented the application and responded to member questions. 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. Assessors printout for the property
3. Abutters List
4. Application, signed and dated 4/22/21, and date-stamped by the Town Clerk on 4/27/21
5. Standard Form Commercial Lease, between Unicorn Realty Trust, Brian P. Murphy, Trustee, 293R Washington Street, Norwell, MA, 02061, LESSOR, and Lene in Beauty (Aurilene Ribeiro Da Silva), LESSEE, signed 4/12/21 and date-stamped 4/27/21.

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

1. The Property (the Property) is known and numbered as **454 Washington Street, Suite 25**, in Business District B-1 as shown on Assessor's Map 18B, Block 34, Lot 10, and recorded at the Plymouth County Registry of Deeds in Book 14885 Page 186.
2. The Property has been and will continue to be used for commercial purposes.
3. The Applicant proposes to use its leased 491 sq. ft. of the building for operation of Permanent Make-Up & Microblading Establishment.
4. Permanent Make-Up and Microblading are forms of micropigmentation which is considered "Cosmetic Tattooing" under the Town of Norwell Board of Health Rules and Regulations 304-3(15). Cosmetic Tattooing is included in the definition of "Body Art" (NZBL 201-1.2(10) and therefore the applicant's operation is considered a Body Art Establishment (NZBL 201-1.2 (11)).
5. The Property is not located within 300 feet of a place of worship, school or day-care center.
6. The Applicant's lease allows the use of the leased premises only for the purpose of permanent makeup, no graphic tattooing allowed.
7. The proposed use meets the criteria for a Special Permit under NZBL § 201-3.3B(1), 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 Body Art establishment, an allowed use by Special Permit under NZBL § 201-8.3 D(7).
8. The conduct of the proposed use meets the criteria for a Special Permit under NZBL § 201-3.3B(2), as it will not significantly alter the character of the zoning district B-1, which is comprised of buildings used for commercial purposes.
9. The conduct of the proposed use meets the criteria for a Special Permit under NZBL § 201-3.3B(1), 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.

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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, Members Barbour, Rivkind, and Lazzaro **VOTED** unanimously to approve the application for operation of a permanent makeup and microblading service, located at **454 Washington Street, Suite 25**, in accordance with the application submitted, subject to the following:

SPECIAL CONDITIONS:

1. The Applicant shall provide evidence to the Board that the proposed business meets all requirements of the Norwell Board of Health.

CONDITIONS APPLYING TO ALL DECISIONS:

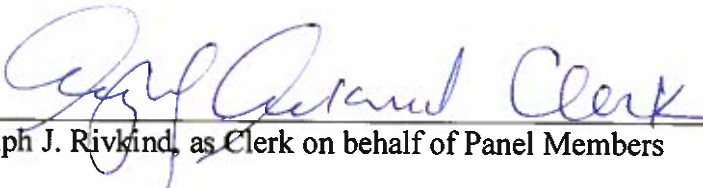
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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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By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Lois S. Barbour
Ralph J. Rivkind
William J. Lazzaro



Ralph J. Rivkind, as Clerk on behalf of Panel Members

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.