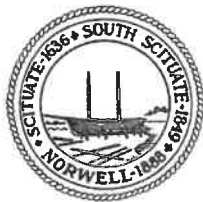


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OFFICE OF  
BOARD OF APPEALS

## 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  
Stephen H. Lynch, Vice Chair  
Ralph J. Rivkind, Clerk

-

### *Associate Members*

Daniel M. Senteno  
William J. Lazzaro

***Corrected***  
***FINDINGS AND DECISION***  
**OF**  
**THE NORWELL BOARD OF APPEALS**  
***SITE PLAN APPROVAL with SPECIAL PERMIT***  
***To correct Scrivener's Error***  
***Replaces Decision filed with the Norwell Town Clerk on 11/21/2023***  
***No additional appeal period applies***

**File No. 23-18**

A public hearing was opened on September 13, 2023, and continued to and closed on October 25, 2023, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the Application (the Application) of:

**South Shore Natural Science Center**  
**48 Jacobs Lane**  
**Norwell, MA 02061**

For a Site Plan Review under Norwell Zoning Bylaw §§ 201-3.4A to construct a 5,520 square foot building to be used for indoor classrooms, a proposed septic system, site grading, site landscaping and associated utilities and appurtenances, and for a Special Permit under § 201-12.3, § 201-12.6 § 201-12.7C and § 201-12.7 H4 for parking (number of spaces, surface and curbs). Property is located at **48 Jacob's Lane** in Residential District A and Aquifer Protection District

as shown on Assessor's Map 13C, Block 29, Lot 8, Lot 9, Lot 10, Lot 30 and Lot 33 and recorded at the Plymouth County Registry of Deeds in Books/Pages 3377/0773, 9037/0298, 4748/0326 and 3265/0585. The lots consist of 9.6 acres.

The application was duly noticed in *The Mariner* on August 23, 2023, and August 30, 2023, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicant's engineer, presented the application to the Board and responded to member questions. No member of the public either during the meetings or in writing prior to the meetings expressed support or opposition to this application.

**FILE INVENTORY:** Documents submitted, including but not limited to the following, were received by the Board:

1. Letter of August 10, 2023, from Meridian Associates, signed by Christopher S. Broyles, PE, submitting the Application documents
2. Form ZBA-1 Application for Public Hearing, dated 7/26/23, signed by Chief Operating Officer Trever Williams on behalf of the property Owner YMCA, received and stamped by the Board of Appeals and the Town Clerk on 8/14/23.
3. Form ZBA1-A Site Plan Review: Supplemental Information.
4. Form ZBA-2 Public Notice Authorization.
5. Form ZBA-4 Time limit extension agreement to expire on 11/30/23, dated 10/12/23, signed by the Applicant's representative, Christopher S. Broyles, PE, of Meridian Associates, received and stamped by the Board of Appeals on 10/12/23, and by the Town Clerk on 10/12/23.
6. "Site Development Plans," prepared for South Shore Natural Science Center, Inc., consisting of 16 drawings (Sheets 1-13 and Sheets S-1, S-2, S-3), dated July 24, 2023, as revised through September 6, 2023, prepared by Meridian Associates (500 Cummings Center, Beverly, MA), signed and stamped by Christopher S. Broyles, PE and Kevin E. Danahy, PLS.
  - SHEET 1 Cover Sheet
  - SHEET 2 General Notes & Legends
  - SHEET 3 Record Conditions Overview Plan
  - SHEET 4 Record Conditions & Demolition Plan
  - SHEET 5 Site Layout & Materials
  - SHEET 6 Site Grading & Drainage Plan
  - SHEET 7 Site Utility Plan
  - SHEET 8 Site Erosion Control Plan
  - SHEET 9 Site Erosion Control Details
  - SHEET 10 Site Details
  - SHEET 11 Site Details
  - SHEET 12 Site Landscaping Plan (rev. 7/22/22)
  - SHEET 13 Site Landscape Details
7. "REFERENCE PLANS" (noted but not included)
  - SHEET S-1 Subsurface Sewage Disposal System Record Conditions Plan
  - SHEET S-2 Subsurface Sewage Disposal System Overview Site Plan & Notes
  - SHEET S-3 Subsurface Sewage Disposal System Details
8. Architectural Plan set, dated 7/26/23, for "SSNSC – New Classroom Building, 48 Jacobs Lane, Norwell MA 02061", prepared by LDa Architects & Interiors, LLP, 500 Harrison Avenue, Suite 3F, Boston, MA 02118 (Not stamped or signed) consisting of 4 drawings, as detailed below:

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- A100 First Floor Plan and Foundation Wall Plan
- A130 Proposed Reflected Ceiling Plan and Proposed Roof Plan
- A201 North and West Elevations with General Elevation Notes
- A202 South and East Elevations with General Elevation Notes

9. Letters of Transmittal from Meridian Associates, dated September 6, 2023, submitting the following documents to the ZBA, Peer Review Consultant, and Planning Board:
  - a. 9/6/23 Comment Response Letter
  - b. 9/6/23 Waiver Request Letter
  - c. 9/6/23 Stormwater Analysis & Calculations Report
  - d. 9/6/23 Construction Period Pollution Prevention and Erosion Sedimentation Control Plan and Long Term Operation and Maintenance Plan
  - e. 8/23/23 Negative Determination of Applicability NCC
  - f. 7/10/23 Soil & Plant Laboratory, Inc. – Infiltration Rate – Organic Lock Materials
  - g. 9/6/23 Site Development Plans, Revised 9/06/23 (24" x 36")
  - h. 9/6/23 Site Development Plans, Revised 9/06/23 (reduced size)
  - i. 7/26/23 Architectural Drawings (24" x 36")
  - j. 7/26/23 Architectural Drawings (reduced size)
  - k. 9/6/23 USB Thumb Drive with above documents in pdf format
10. Certified Abutters list and map of subject lots
11. Various Deed copies and conservation restrictions respectively for subject lots
12. MA Corporations Division Business Entity Summary for South Shore Natural Science Center, Inc.
13. Norwell Conservation Commission "Determination of Applicability for a Parking Lot Modification Project", dated August 23, 2023
14. "Stormwater Analysis & Calculations Report for YMCA South Shore Natural Science Center 48 Jacobs Lane Norwell, Massachusetts", dated July 24, 2023, as revised through September 6, 2023, prepared by Meridian Associates.
15. Peer Review Reports of John Chessia of Chessia Consulting Services, LLC, through September 19, 2023.
16. Applicant's response by Meridian Associates to Peer Review Reports through 9/6/23.
17. Norwell Planning Board Recommendations of 10/12/23

**FINDINGS:** The Board made the following findings:

1. The Property, consisting of five (5) separate lots totaling approximately 9.6 acres, is located in Residential Zoning District A and the Town's Aquifer Protection District that merge for the purposes of zoning.
2. The Applicant is seeking approval to construct a new 5,520 sf building on the land shown on Map 13C, Block 29, Lot 30 and to install related improvements to provide for septic, stormwater and parking infrastructure at the Property, including on the land shown on Map 13C, Block 29-9, in order to continue the existing Summer Camp and Nursery School uses at the Property owned by the South Shore Science Center/YMCA, which includes the land shown on Assessing Map 13C, Block 29, Lots 8-10, 30 and 33).
3. The existing and proposed use as a "summer camp and nursery school" falls under M.G.L. c. 40A Section 3 in ¶ 2, "educational purposes on land owned or leased . . . by a nonprofit educational corporation", subject to "reasonable regulations".

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4. The Planning Board submitted the following recommended conditions in Paragraph V of its Report and Recommendations, dated 10/4/23, to which panel members voted to adopt in whole, as incorporated into these Findings and restated in its entirety below:
  - a. After receiving certification from Town Clerk that no appeal has been taken within twenty (20) days, or if appealed than dismissed or denied, a copy of the ZBA's Decision, with the relevant plan sheets shall 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 recorded 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.
  - b. No lighting shall be placed on the building or on the Property that spills light onto adjacent property.
  - c. Contact data for the project manager shall be provided to the Building Department and Planning Office before the start of construction.
  - d. No Building Permit shall issue unless:
    - i. A copy of the recording fee receipt and the book and page for the recording of the decision and plan sheets has been returned to the ZBA.
    - ii. Evidence is provided to the ZBA and the Building Official that a copy of the ZBA's Decision, certified by Town Clerk, has been duly recorded with the Registrar of Deeds or Recorder of the Land Court.
    - iii. Soil conditions at the subsurface infiltration system have been reviewed by an agent of the Town at the time of excavation and prior to any fill being placed to confirm that conditions are consistent with the assumption in the design calculations.
    - iv. The Site Plan has been revised to satisfy all conditions imposed.
    - v. The silt sock shall be relocated on the plans to indicate the limit of work outside of the location of trees proposed to remain. If any trees are to be removed, they need to be shown on the plan. Note: A revised plan sheet was provided on August 2, 2023, and is being peer reviewed for the ZBA by Engineer Chessia.
    - vi. No clearing shall take place before a SWPPP is provided and reviewed and approved by the ZBA's agent [peer review consultant].
    - vii. All conditions noted above shall be implemented.
    - viii. No occupancy permit shall issue until: A certified as-built plan, confirming that the impervious surface coverage, post-construction, does not exceed the maximum allowed, has been provided to the Board of Appeals, Building Department, and Planning Office.
    - ix. Hours of operation shall conform to the Town's requirements and to daylight hours.
    - x. Any new signage shall undergo the required review.
    - xi. The Applicant shall exercise any relief granted by the Board of Appeals within two (2) years of the date this Decision is filed with Town Clerk or as provided for in any extension thereof as detailed in the Board's Rules, or it shall lapse.
5. In order to meet dimensional requirements, the five lots merge for purposes of zoning. However, the Planning Board recommended that a M.G.L. c. 41 §81X plan to formally merge these lots would satisfy dimensional zoning requirements.

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**SPECIAL PERMIT FINDINGS AND CONDITIONS:** The Application included a request for a Special Permit for parking in order to reduce the required number of parking spaces and allow for pervious parking spaces. The Planning Board recommended that a Special Permit be granted with the below conditions:

1. Under §201-12.6, the minimum Parking spaces required are seventy (70) with forty-four (44) existing. As the existing and proposed use is “educational”, the Board of Appeals approved this exception, subject to the following:
  - a. A mandatory student drop off/pick-up procedure shall be used for student participation in any and all sponsored programs at this location.
  - b. All participating children/students shall be non-driving age; and
  - c. Any change in Conditions 1 and 2 shall require additional zoning relief.
2. Under §201-12.4, Parking Aisle, a width of 24’ is required. However, as the existing and proposed use is “educational”, the Board of Appeals approved this exception at the southwest corner of the existing parking lot.
3. Under §201-12.7, Surface is required to be paved. However, as the existing and proposed use is “educational”, the Board of Appeals approved an exception and the parking lot can remain unpaved, *only* if the parking conditions enumerated within this section are satisfied.
4. Under §201-12.7, Egress/Access – Sight Distance Requirement: The proper sight distance shall be established and maintained as a condition of approval. Evidence satisfactory to the Building Inspector shall be provided, prior to issuance of an occupancy permit.
5. Under §201-12.7, Driveway Width of 24’ is required. However, as the existing and proposed use is “educational”, the Board of Appeals approved the continued use of the existing driveway without change in width.
6. Under §201-12.7, Parking Lot Landscaping and Interior Parking Island curbing are shown on the submitted landscaping plan and are hereby approved.
7. Lighting/Dark Sky: Under §201-12.7, no additional lighting was proposed nor is any approval granted herein.
8. Activity on the premises is permitted only during daylight hours per the Planning Board report that will require no additional lighting.
9. An exception to crosswalk requirements is granted, as the Applicant indicated there will be no nighttime activities.
10. Prior to issuance of an Occupancy permit, the Applicant shall submit evidence for review by the ZBA’s peer review consultant that the TSS removal system requirements for Stormwater under §201-12.7.I have been met in accordance with the Planning Board recommendations.

The Board of Appeals may grant a Special Permit under NZBL § 201-3.3B, if *all of the following conditions are satisfied:*

(1) *The conduct of the proposed use will not be detrimental to the neighborhood and zoning district;*

**Finding:** The Board finds the continuing use for the proposed project is “educational” as defined in M.G.L. c. 40A §3. As there is adequate buffering to any residential dwelling in the area, the proposed use will not be detrimental to the neighborhood and zoning district.

(2) *The conduct of the proposed use will not significantly alter the character of the zoning district; and*

**Finding:** The Board finds the proposed project is to construct one classroom building for use in summer camp and pre-school activities, an already existing use. Therefore, the Board finds the proposed use will not significantly alter the character of the zoning district.

(3) *The conduct of the proposed use 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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**Finding:** The proposed project is for an “educational” use as defined in M.G.L. c. 40A §3. Therefore, the Board finds the proposed use will not be more injurious or hazardous to the community than the existing building and/or uses.

## DECISION OF THE BOARD:

Based upon the evidence presented and its findings detailed above and incorporated herein by reference and forming a part of this decision, upon a motion duly made and seconded, Members Barbour, Rivkind, and Lynch **VOTED** unanimously to grant **Site Plan Approval** under § 201-3.4 and **Special Permits** under §§ 201-3.3 and 201-4.4A to raze the existing non-conforming structures and to construct an approximate 5,520 sq. ft. one-story building with supporting infrastructure for educational service use at **48 Jacobs Lane** in Residential District A and the Aquifer Protection District in accordance with the submitted plans, dated April 27, 2022, as revised through 7/22/22, subject to the following:

## SPECIAL CONDITIONS:

1. **81X PLAN REQUIREMENTS:** Prior to issuance of a Certificate of Occupancy, a certified plan shall be prepared by a Registered Land Surveyor that merges all five (5) parcels shown in the submitted Application in accordance with M.G.L. c.41, §81X, in order to eliminate dimensional zoning nonconformities under the Town’s Zoning Bylaw. Such plan shall be recorded with the Registry of Deeds or Land Court, as appropriate, with the recording receipt filed with the Board of Appeals
2. **PARKING AND LIGHTING CONDITIONS:** All conditions in “Special Permit Findings and Conditions” section are repeated below.
  - a. Under §201-12.6, the minimum Parking spaces required are seventy (70) with forty-four (44) existing. As the existing and proposed use is “educational”, the Board of Appeals approved this exception, subject to the following:
    - i. A mandatory student drop off/pick-up procedure shall be used for student participation in any and all sponsored programs at this location.
    - ii. All participating children/students shall be non-driving age; and
    - iii. Any change in Conditions 1 and 2 shall require additional zoning relief.
  - b. Under §201-12.4, Parking Aisle, a width of 24’ is required. However, as the existing and proposed use is “educational”, the Board of Appeals approved this exception at the southwest corner of the existing parking lot.
  - c. Under §201-12.7, the Surface is required to be paved. However, as the existing and proposed use is “educational”, the Board of Appeals approved an exception and the parking lot can remain unpaved, *only* if all parking conditions enumerated within these “Special Conditions” are satisfied.
  - d. Under §201-12.7, Egress/Access – Sight Distance Requirement: The proper sight distance shall be established and maintained as a condition of approval. Evidence satisfactory to the Building Inspector shall be provided, prior to issuance of an occupancy permit.
  - e. The use of the Property shall be limited to the uses noted in the Application of a Summer Camp and Nursery School (and shall be operated in daylight hours only

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- unless revisions to the plan to provide lighting are proposed and approved) and all students shall be under the legal driving age and there shall be a student drop off/pick up program that is presented, approved, implemented, and maintained.
- f. No lighting shall be placed on the building or on the Property that spills light onto any adjacent property/ies.

3. **PLAN SET AND DOCUMENTS TO BE RECORDED WITH THIS DECISION:** The Applicant shall file the following Mylar® sheets, as endorsed by the Board of Appeals on \_\_\_\_\_, and detailed below, with the Registrar of Deeds and/or Recorder of the Land Court, specifically: “Site Development Plans,” prepared for South Shore Natural Science Center, Inc.,” dated July 24, 2023, as revised through September 6, 2023, prepared by Meridian Associates (500 Cummings Center, Beverly, MA), signed and stamped by Christopher S. Broyles, PE and Kevin E. Danahy, PLS.

SHEET 5	Site Layout & Materials
SHEET 6	Site Grading & Drainage Plan
SHEET 12	Site Landscaping Plan
SHEET 13	Site Landscape Details

4. **EFFECTIVE DATE OF APPROVAL:** The zoning approvals granted by the Board of Appeals shall take effect only at such time as this Decision, supporting documents as referenced in Paragraph 2 of these Special Conditions above, and the approved plan set are filed with the Office of the Town Clerk of the Town of Norwell, and recorded with the Registrar of Deeds or Recorder of the Land Court. **NOTE: Evidence of recording of the Board’s Decision and documents specified above shall be provided to the Building Inspector, prior to issuance of any building permit.**

5. **CONSTRUCTION MONITORING;** This project is subject to the construction monitoring and escrow requirements contained in Article H of the Rules and Regulations of the Board of Appeals, approved by vote of the Board on May 10, 2023, subject to any modifications as may be adopted from time to time.

6. **DESIGN ENGINEER CERTIFICATION:** Prior to the issuance of any occupancy permit, the Applicant's registered professional engineer, landscape architect, and such other professionals that prepared the approved plans, shall certify to the Board or its agent that the location and elevation of all underground utilities, including drainage, water and sewer, and landscaping plan substantially conform to the plans approved by the Board of Appeals and reviewed by its consulting engineer.

7. **PEER REVIEW:** Further, the project design shall be checked against the filed *As Built* plans and reviewed by the Town's consulting engineer at the sole expense of the Applicant for compliance with the project plans as approved by the Board of Appeals and detailed in this decision or any modifications thereto, prior to issuance of any Certificate of Occupancy.

8. **AS-BUILT PLANS: Prior to issuance of a Certificate of Occupancy,** the property owner or Applicant shall provide two full-sized paper copies as well as digital copies of *As-built* plans, signed and stamped by a registered professional engineer, landscape architect, and/or professional land surveyor, as appropriate, in accordance with § 201-3.4 of the Norwell Zoning Bylaw. These plans shall show:

- a. Pavement locations, building locations, lot lines, driveway locations, all utilities above and below ground such as water, gas, electric, septic, telecommunication,

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utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, other drainage with pipe size and invert.

- b. All utility easements; ties from building foundations to utility services.
- c. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is.

9. **CERTIFICATES OF OCCUPANCY:** No certificate of occupancy shall be issued until such time as all conditions of the Board's decision are met.

**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.
- 10. **LAPSE OF SITE PLAN APPROVAL:** The applicant shall complete any work described in the site plan approved by the Board of Appeals within two year of the date this Decision is filed with the Office of the Town Clerk or approval granted herein shall lapse.
- 11. **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.
- 12. **EXTENSION OF APPROVALS:** The Board of Appeals may grant an extension of such time as it may deem necessary to carry the approved site plan into effect. However, the applicant must file an application for any such extension prior to expiration or a new Site Plan, Special Permit, and/or Variance application shall be required. Any such extension(s) shall be certified by the Board of Appeals to the Town Clerk and shall include the date on which any such extension is to lapse.

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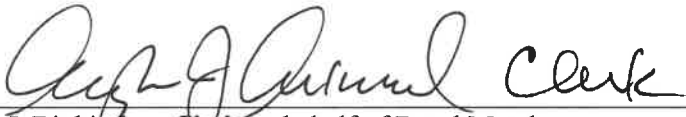
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By unanimous vote of the Board of Appeals at its duly advertised meeting on October 25, 2023, its Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Lois S. Barbour  
Stephen H. Lynch  
Ralph J. Rivkind



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

*This space reserved for  
Date Stamp of Town Clerk*

Date Filed with Office of the 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