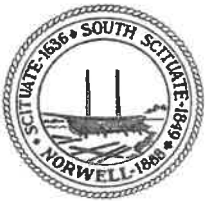


TOWN OF NORWELL
TOWN CLERK

2023 NOV -9 PM 12:58

RECEIVED



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 Senteno, Assistant Clerk
William J. Lazzaro

FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 23-22

A Public Hearing before the Norwell Zoning Board of Appeals was held on October 25, 2023, at 7:30 P.M. by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Section 9, in person at the Norwell Town Offices, 345 Main Street, Norwell, MA and broadcast live from the Osborn Room on Comcast Channel 1072 and Verizon Channel 39 with a Zoom option, on the application of:

Fred DiRico
268 Cedar Street
Cohasset, MA 02025

For a **Special Permit** under Sections § 201-3.3 and § 201-8.3.D(7), Body Art Establishments, of the Norwell Zoning Bylaw. Applicant seeks approval for operation of a Permanent Make-Up Establishment. Property is located at **164 Washington Street**, Norwell, MA in Business District B as shown on Assessor's Map 11B, Block 19, Lot 26, and recorded at the Plymouth County Registry of Deeds in Book 47698 Page 10. The lot consists of .52 acres. The building was constructed in 1800.

Notice of the public hearing was posted at Town Hall and duly advertised in *The Mariner* on October 4, 2023, and October 11, 2023, 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, Fred DiRico, was represented by Dick Rockwood of Rockwood Design of 92 Grandview Ave. in Marshfield, who presented the application and responded to member questions. No member of the public spoke in favor of or 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 9/12/23, and date-stamped by the Town Clerk on 9/14/23.
5. Letter (undated) from Frederick DiRico submitted with the application that details the zoning relief requested and providing background information.
6. Copy of a map showing nearest places of worship, schools, and daycare, as evidence that the proposed business is not located within Three Hundred feet (300') of any such establishment.
7. Standard Form Commercial Lease, between *Nwell, LLC*, LESSOR, David Lau, Manager, and LESSEE, Paul Dirico, signed 9/11/23 and date-stamped by the Town Clerk on 11/14/23.
8. Exhibit A from the Owner's Deed, as filed in Book 6143 Page 160 on June 11, 1985.
9. "Plot Plan/ Lot 26, Washington & Oak St./ Norwell, Massachusetts", prepared by Shorey, Nims & Bartlett, Inc. (signature not legible).
10. Model of "Permanent Cosmetics/Tattoo Consent Release Form" to be signed by client
11. Certificate no. AB1423801-BBP for Frederick DiRico, certifying completion of a course in "Blood Borne Pathogens from the American Academy of CPR & First Aid, Inc. for the calendar year 2023.
12. Certificate no. AB1423798-FA issued to Frederick DiRico, certifying completion of a course in "Basic First Aid" for the period from 1/1/23-1/1/25.
13. Certificate no. AB1423797-BLS issued to Frederick DiRico, certifying completion of a course in "BLS CPR (Adult/Child/Infant)" for the period from 1/1/23-1/1/25.
14. Certificate issued to Frederick DiRico, by the Quincy Health Department on April 11, 2018, certifying completion of "Skin Course for the Body Artist".

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

1. The Property (the Property) is known and numbered as **164 Washington Street, Suite 104**, in Business District B-1 as shown on Assessor's Map 11B, Block 19, Lot 26, and recorded at the Plymouth County Registry of Deeds in Book 16143 Page 160.
2. The Property has been and will continue to be used for commercial purposes.
3. The Applicant proposes to use its leased 1,504 (gross) sq. ft. of the building for operation of a Permanent Make-Up Establishment with some original artwork to be displayed. The Applicant represented that no microblading, piercing, or tattoo removal is proposed or requested by this Application that would require additional Board of Health approvals, as well as modification of this decision.

4. Permanent Make-Up is a form 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, according to the evidence presented to the Board.
6. 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).
7. 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 similar buildings used for commercial purposes.
8. As detailed in the submitted Application and as represented by the Applicant, 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.

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, Lynch, and Lazzaro **VOTED** unanimously to approve the application for operation of a permanent makeup and microblading service, located at 164 Washington Street, Suite 104, in accordance with the application submitted, subject to the following:

SPECIAL CONDITIONS:

1. **Prior to issuance of an Occupancy Permit**, the Applicant shall provide evidence to the Board that the proposed business meets all requirements of the Norwell Board of Health.
2. As represented by the Applicant, **no microblading, piercing, or tattoo removal** is proposed or requested by this Application. Any such activities would require additional Board of Health approvals, as well as modification of this decision.

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.

TOWN OF NORWELL
 TOWN CLERK
 2023 NOV -9 PM 12:59
 RECEIVED

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.

----- The remainder of this page is intentionally left blank -----


TOWN OF NORWELL
TOWN CLERK

2023 NOV -9 PM 12:53

RECEIVED

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

Lois S. Barbour
Stephen H. Lynch
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

RECEIVED
2023 NOV -9 PM 12:58
TOWN OF NORWELL
TOWN CLERK

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.