

Doc:1,529,209 11-20-2023 1:3:

Ctf#:199900

Norfolk County Land Court

Norwood Board of Appeals  
 Michael Sheehan, Chair  
 Rachel Churchill  
 Mary Kate Daly  
 Shannon Greenwell  
 Al Porro



2BA Decision - Special Permit

Case #23-86 27

84 Morse Street

Bk 41522 Pg 4 #77006  
11-20-2023 @ 01:43p

2023 OCT -22 PM 11:11  
 RECEIVED  
 TOWN OF NORWOOD  
 CLERK

HAND TO  
 LAND COURT

COMMONWEALTH OF MASSACHUSETTS  
 NORWOOD ZONING BOARD OF APPEALS

September 14<sup>th</sup>, 2023

Brian Almeida  
 Connor & Hilliard, P.C.  
 1350 Main Street Suite 22  
 Walpole, MA

RECEIVED AND RECORDED  
 NORFOLK COUNTY  
 REGISTRY OF DEEDS  
 DEDHAM, MA

CERTIFY

*William P. O'Donnell*  
 WILLIAM P. O'DONNELL, REGISTER

To Whom It May Concern:

Please be advised that at the September 22, 2023 meeting of the Norwood Zoning Board of Appeals the Board voted 4-1 to grant a Special Permit under Norwood Zoning Bylaw 3.1.5(H)(2) to allow the Subject Property to be used as a motor vehicle service operation in the Manufacturing district.

The subject property of this petition, 84 Morse St, Norwood, MA 02062 is located in the Manufacturing (M) Zoning District, Map 9 Block 7D Lot 102. The owner of the subject property is Dagesse, Christopher D & Daniel S Trs. C/O DCD Automotive Holdings.

**SUMMARY OF PROCEEDINGS:**

The public hearing in this matter was held on September 12th, 2023 at 7:00 PM at 275 Prospect Street, Norwood and via remote participation on Google Meet as permitted by the Governor's extension of changes to the Open Meeting Law. Due notice was given to all abutters within 300' of the Subject Property deemed affected as shown on the latest tax rolls of the Town, as well as the four abutting Towns and by publication in the Norwood Record on August 24th, 2023 and August 31, 2023.

Sitting on the hearing were Chair Michael Sheehan, Rachel Churchill, Shannon Greenwell, MaryKate Daly and Al Porro.

The decision in this matter is based upon the petition and supporting documentation, public records of the Town, and testimony and evidence as set forth at the hearing, all of which are incorporated by reference.

HAND TO  
 LAND COURT

MARSHAL REFERENCE

BOOK 3459 PAGE 546

(199900)  
 1417992

**Submitted by the Applicant with regard to the request for relief:**

- A completed application form
- Filing fee
- 84 Morse Street Conservation Commission Special Conditions
- Prior Zoning Approval

**Findings of the Norwood ZBA with regard to the requested Special Permit:**

In consideration of all the submissions, testimony by the applicant and exhibits submitted to the Board, the Board adopts the following findings of fact:

1. The applicant has requested a Special Permit under Norwood Zoning Bylaw Section 3.1.5.H.2 to allow the use of the property as a motor vehicle maintenance operation. The Zoning Board of Appeals is the Special Permit granting authority.
2. The existing structure currently contains commercial storage of parts not available for retail in addition to IT operations. A portion of the structure's area is presently vacant and unused.
3. No replacement or significant alteration to the exterior of the current structure is proposed.
4. **Social, Economic and Community Needs**  
Motor vehicle repair is a useful and necessary business. New business in a formerly vacant property in the downtown area supports the local economy.
5. **Circulation**  
The use will not change the exterior of the building. There is a large parking lot servicing the building. The existing parking infrastructure will meet the needs of the new business. Motor vehicles are proposed to enter the structure through garage bays in the rear of the property. All motor vehicle repair and service will be contained within the structure and will not negatively impact circulation.
6. **Utilities and Other Public Services**  
Existing utilities and public services to the Subject Property are adequate for the proposed use.
7. **Environmental Impacts**  
Because the use is indoors, the proposed use will not cause significant environmental impacts to the parcel and neighborhood; no changes are proposed to existing stormwater infrastructure.
8. **Land Use Compatibility**  
The proposed commercial use is consistent with the existing manufacturing use and the commercial character of the neighborhood.



**9. Visual Compatibility**

The proposed use is in the rear of the lot and cannot be viewed from the street. The use is below grade from an abutting railroad and is visually compatible with the existing manufacturing use.

**10. Fiscal Impacts**

Introduction of a new business in the Manufacturing District will support the local economy by creating local jobs and support existing local businesses.

**11. Process**

The abutters to the subject property were notified of the public hearing and provided the opportunity to comment on the application.

**12. In view of the particular characteristics of the site, and the proposal in relation to that site, the Board finds that the proposed Motor Vehicle Repair Operation use is not substantially more detrimental to the neighborhood than the existing use.****13. The applicant has met all the requirements for a Special Permit pursuant to the Norwood Zoning Bylaw.****Decision**

The Board of Appeals voted to approve the Special Permit pursuant to successful completion and adherence to the following conditions:

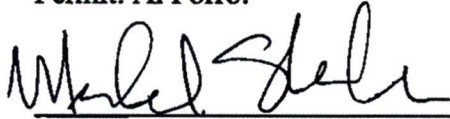
1. Use shall be operated in conformity with the submitted documents referenced in this Decision, including the plans previously approved by the Planning Board.
2. Motor Vehicle Repair Operation use shall not exceed 25% of the total square footage of the building.
3. Good housekeeping must be maintained at all times.
4. All State and Local Permits must be applied for and issued prior to the start of any construction.
5. The Board reserves the right to amend, or modify, its approval upon its own motion or that of the applicant.
6. All construction work must be approved by local authorities and completed prior to use.
7. In the event of a breach or violation of any of the terms and/or conditions of this decision, the Board may revoke the plans approved in this case.
8. This Special Permit shall not take effect until a copy of the Decision, bearing the

certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed within such time period, is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address.

9. This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
10. Unless otherwise specified, this Special Permit decision does not supersede any existing approvals or plans; all former decisions of the Board pertaining to other uses, site plan approval, conservation, and stormwater management, etc., remain in effect.

**Record of Vote**

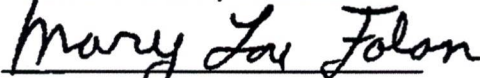
It was moved, seconded and duly VOTED to grant the applicant's request for a Special Permit. The following Board members voted in favor of the motion to grant the applicant's request for a Special Permit: Michael Sheehan, Mary Kate Daly, Rachel Churchill, and Shannon Greenwell. The following Board members voted against the motion to grant the applicant's request for a Special Permit: Al Porro.



Michael Sheehan, Chairman

10-3-23

Date



Mary Lou Folan, Town Clerk

10-3-2023

Date filed with the Town Clerk

Appeals may be made pursuant to MGL Chapter 40A, Section 17, at Superior Court or Land Court. If no appeal is made within twenty (20) days of the filing of this decision with the Town Clerk, the following certification shall be executed by the Town Clerk:

I hereby certify that twenty (20) days have elapsed from the date this Decision was filed in the Town Clerk's Office, and that no appeal has been filed.



Mary Lou Folan, Town Clerk

10-24-2023

Date

The Applicant must record this Special Permit Decision at the Norfolk County Registry of Deeds, as set forth in Chapter 40A, Section 11, G.L.

Cc: Building Commissioner

