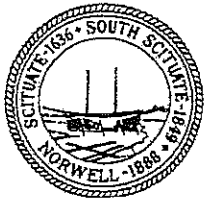


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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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Members

Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner, Clerk

Associate Members

Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION **OF** **THE NORWELL BOARD OF APPEALS**

File No. 18-3

A PUBLIC HEARING was held on February 14, 2018 by the Norwell Zoning Board of Appeals (the Board) under General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application of:

Curtis Chin and Stephanie Bliss, the Applicants,
330 Old Oaken Bucket Road
Norwell, MA, the Property

For a Special Permit under Sections 1400, 1420 and 2316(d) of the Norwell Zoning Bylaws to convert existing basement of the dwelling to an in-law living unit. The Property is located at 330 Old Oaken Bucket Road in Residential District A, and shown on Assessor's Map 4D as Block 49, Lot 38. The Property is owned by the Applicants as reflected in the deed recorded at the Plymouth Registry of Deeds, Book 47092, Page 318.

The Public Hearing for this Application was duly noticed in The Norwell Mariner on January 25, 2018 and February 1, 2018 and posted at the Norwell Town Hall as required by law.

Mr. Curtis Chin, one of the owners of the Property, attended the hearing and presented the Application.

The Board received the following documents, marked as Exhibits as noted:

Exhibit Numbers

1. Application received and date- stamped by the Board of Appeals on January 9, 2018, and the Town Clerk on January 16, 2018.
2. In-Law Apartment Affidavit, signed by Curtis D. Chin and Stephanie Bliss dated October 21, 2017.
3. Copy of Legal Notice published in the Norwell Mariner January 25, 2018 and February 1, 2018.
4. Copy of the existing deed into Curtis D. Chin and Stephanie Bliss dated June 23, 2016.
5. Copy of an Application for Disposal System Construction Permit dated March 4, 2017, to install a six (6) bedroom leaching system to accommodate an in-law apartment, including a Certificate of Compliance regarding the completion of the system dated March 27, 2017.
6. Septic System In-Law Design Plan prepared by Patriot Permitting and Engineering dated March 3, 2017 and stamped "Approved Board of Health" on March 27, 2017.
7. Approval from Board of Health, dated September 22, 2017, to add in law apartment.
8. Foundation As-Built Plan prepared by Hoyt Land Surveying dated January 20, 2014.
9. Schematic Design Plan, prepared by David Horner, Jr., contractor, showing the Basement Remodel at 330 Old Oaken Bucket, Norwell.

FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicant appeared and presented the request and the facts set forth in the Application.

Based upon the foregoing, the Board finds that:

1. In-Law Apartments are allowed in all Residential Districts, including District A by Special Permit under Section 2316(d) of the Norwell Zoning By-Law.

2. The Board found that the Owners of the Premises occupy the residence, as required by Section 2316(d)(1), and the In-Law Apartment will be occupied by Mr. Chin's parents fulfilling the requirement of Section 2316(d)(1)(a).
3. The Board found that there will be no exterior alterations, and that the project will not change the appearance of the main dwelling as a single-family residence, as required by Section 2316(d)(2).
4. The Board of Health documentation demonstrates that there will be satisfactory sewage disposal, as required by Section 2316(d)(3).
5. Although the Board did not invoke Section 2316(d)(5) of the By-Law, it has the stated power to "safeguard the neighborhood or otherwise serve the purpose of this by-law" by limiting the following:
 - a. maximum number of occupants
 - b. maximum number of rooms
 - c. modification of driveway or parking spaces to provide adequate off-street parking.

DECISION OF THE BOARD:

Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit to the Applicants to construct additional living space at the Property to serve as an In-Law Apartment, in accordance with the schematic design plan detailed in Exhibit 9, as allowed under Section 2316(d) of the Norwell Zoning By-Law, subject to the following:

SPECIAL CONDITION:

This Special Permit shall become null and void under either of the following circumstances:

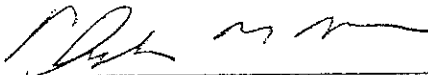
- a. If Donald W. Chin and Dixie Chin and/or both Curtis D. Chin and Stephanie Bliss are not able to occupy the premises.
- b. As provided under Section 2316(d)(4), this Special Permit will terminate upon the transfer of ownership, and use will revert back to a single-family dwelling.

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 then dismissed or denied, a copy of the Board's decision must be filed with either the Register 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 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:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.



Philip Y. Brown



Ralph J. Rivkind



Thomas P. Harrison

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 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.