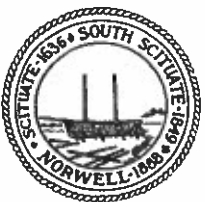


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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

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FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 18-25

A Public Hearing before the Norwell Zoning Board of Appeals was scheduled on January 9, 2018. The hearing was opened, closed, and voted on that date under NZBL Sections 1321 and 1400 and M.G.L. c. 40A sec. 9, at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**Jacqueline Brady
23 Victoria Ave
Weymouth, MA 02190**

For a **Special Permit** under Section 2341(k) of the Norwell Zoning Bylaw. The applicant seeks approval of a Special Permit to conduct an indoor dog park. The property is located at **106 Longwater Drive** in Business District C-2 as shown on Assessor's Map 17 B, Block 18, Lot 42 and recorded at the Plymouth County Registry of Deeds in Book 37355, Page 206. The lot consists of 1.52 acres.

Notice of the public hearing was posted at Town Hall and duly advertised in the *Norwell Mariner* on December 13, 2018, and December 20, 2018, in accordance with the Open Meeting Law.

The Applicant, Jacqueline Brady, presented the application and responded to member questions. Ramona Caruso of 30 Grove Street spoke in support of this application. 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. Abutters List
3. Assessor's card for 106 Longwater Drive, Norwell.
4. Norwell Board of Health email from Health Agent Ben Margro, dated 1/4/19¹ outlining conditions that the applicant must comply with to meet Board of Health requirements.
5. Application, dated 11/28/18, signed by the Applicant and Brad Caron, Trustee of Longwater Realty LLC, and date-stamped by the Town Clerk on 12/3/18.
6. Business Plan for JB's Indoor Dog Park, dated 1/3/18, including an Executive Summary, Sales & Marketing, Operations, and Finance information.

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

1. The Property (the Property) is known and numbered as **106 Longwater Drive** in Business District C-2 as shown on Assessor's Map 17 B, Block 18, Lot 42 and recorded at the Plymouth County Registry of Deeds in Book 37355, Page 206.
2. The Property is entirely within the Business C-2 Zone.
3. The property has been and will continue to be used for commercial purposes.
4. The Applicant proposes to use its leased portion of the building as an indoor dog park.
5. The proposed use meets the criteria for a Special Permit under NZBL §1420 a), 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 service establishment, an allowed use by Special Permit under NZBL § 2341(k).
6. The conduct of the proposed use meets the criteria for NZBL §1420 b), as it will not significantly alter the character of the zoning district, which is comprised of buildings used for commercial purposes.
7. The conduct of the proposed use meets the criteria for NZBL §1420 c), 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. The Board has received notification from the Health Agent, confirming the proposed operation as an indoor dog park with the proposed waste removal plan satisfies Board of Health requirements. However, any expansion in the scope or type of operations beyond those represented by this application could require additional permits.

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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, the Board **VOTED** unanimously to approve the application for a Special Permit for operation of an indoor dog park, located at **106 Longwater Drive**, in accordance with the application submitted, subject to the following:

CONDITIONS APPLYING TO ALL DECISIONS:

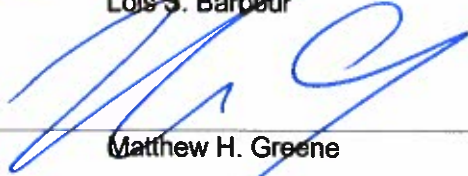
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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.
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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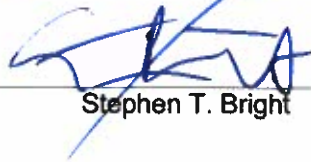
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Lois S. Barbour



Matthew H. Greene



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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.