

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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Members

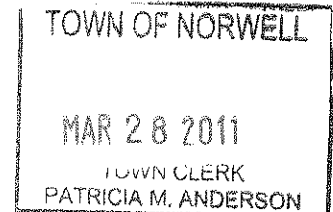
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Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

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

File No. 11-03



A PUBLIC HEARING was held on March 23, 2011, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Section 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

Ronald F. Morganelli
Carewell Health Group, LLC
18 Forest Street
Hanover, MA

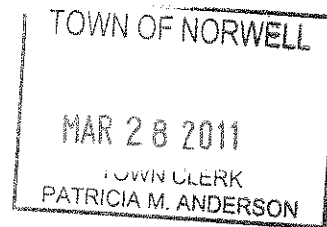
For a **Special Permit** under Norwell Zoning Bylaw Sections 1400, 2340 and 2341 for Care Well Health Group LLC a/k/a The Care Well Adult Day Treatment Center to occupy approximately 7,156 sq. ft. of space as a tenant for an adult day treatment center. The property is located at **136 Longwater Drive** in Business District C, as shown on Assessor's Map 17 Block 18 Lot 28 and recorded at Registry of Deeds Book 36408 Page 170.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on March 3, 2011, and March 10, 2011, and posted at the Norwell Town Hall in accordance with the Open Meeting Law.

The applicant was in attendance at the hearing to present the application. No one spoke in opposition to the application.

The Board received the following information into its files:

1. Copy of the legal notice
2. Abutters list
3. Assessors card for the property
4. Application, completed and signed by the applicant, and supplemental detail, all date stamped by the Board of Appeals and by the Town Clerk on 2/16/11. The supplemental detail includes:
 - a. Reason for Application/ Facility Purpose
 - b. Notification Listing by Applicant, dated February 15, 2011
 - c. Floor Plan, new square footage 5570 square feet
 - d. Layout & Zoning Plan



- e. New Furniture Plan
 - f. Build-out Plan (designated available space as 7,156 SF)
 - g. Memorandum of 12/29/10 from Brian Flynn, Board of Health, to Dave Mitchell/ Rader Prop. - Max Occupancy 110
 - h. Letter from Jerome J. Locchi to Ron Morganel[[i], dated 1/02/11
 - i. Letter from Alzheimer's Association to Ron Morganelli, dated 1/04/11
 - j. Certificate of Organization, Carewell Health Group, LLC, by Ronald F. Morganelli, Manager, dated 2/03/11
- 5. IRS Employer Identification Number assignment to Carewell Health Group LLC
 - 6. MA Payment Confirmation by CareWell Health Group LLC
 - 7. Copy of a plan, dated 9/30/1985, entitled "Layout & Zoning Plan/Mentor O&O, Inc." for Assinippi Park, prepared by Bradford Saivetz & Associates, Inc., Zero Campanelli Drive, Braintree, MA 02184, signed and stamped by Donald L. Springhetti, P.E., on 10/15/1985

The Application, Notice, and all of the file information listed above was introduced into evidence, and hereby made exhibits in this case, and are incorporated into and made a part of this decision.

FINDINGS:

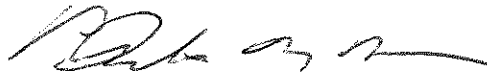
- 1. The property is located in Business District C.
- 2. There will be no physical changes outside of or to the structure of the present building and to Longwater Drive.
- 3. The proposed new use will not change the character of the District and is appropriate under the existing zoning by-law.
- 4. The proposed new facility (the Facility), because of the transportation plan proposed by the Applicant under which plan the persons serviced by and using the facility shall be transported to and from the Facility by group transportation, does not require long term or all-day parking; existing parking facilities on the site are adequate.
- 5. The total number of persons using the Facility shall not exceed Norwell Board of Health requirements.
- 6. The total number of persons using or otherwise classified as occupants or users by Norwell Board of Health Standards shall not exceed the approved capacity approved by said Board of Health.
- 7. This Decision is directed and limited to the adult daytime treatment and care facility requested by the Applicant.
- 8. The existing freestanding granite sign structure in front of the building will be used by the new owner/tenant(s).
- 9. Existing parking requirements will not change.

DECISION OF THE BOARD:

Based upon the representations of the Applicant and its findings above, upon a motion made and duly seconded, the Board voted unanimously to grant a **Special Permit** under Sections 1400, 1420, 2340 (Business District C), to **Carewell Health Group, LLC**, for the proposed adult treatment center at the property k/a 136 Longwater Drive.

CONDITIONS APPLYING TO ALL DECISIONS:

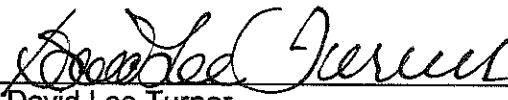
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of 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 Certificate of Occupancy shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit 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 Plymouth County Registrar of Deeds or Recorder of the Land Court.
4. **LAPSE OF SPECIAL PERMIT:** The applicant shall exercise any Special Permit granted by the Board of Appeals within two years from the date the decision is filed with the Office of the Town Clerk or it will lapse.



Philip Y. Brown



Michael Kiernan



David Lee Turner

Date Filed with Office of the Town Clerk

This space is for Date Stamp of Town Clerk

TOWN OF NORWELL
MAR 28 2011
TOWN CLERK PATRICIA M. ANDERSON

NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals can 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.

TOWN OF NORWELL
MAR 28 2011
TOWN CLERK
PATRICIA M. ANDERSON