

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
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Members

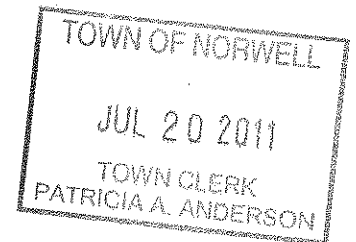
Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

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

File No. 11-10



A **PUBLIC HEARING** was held on June 29, 2011 by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40(a), Sections 9, at the Norwell Town offices, 345 Main Street, Norwell, MA, on the application of:

Ronald F. Morganelli
CareWell Health Group, LLC
Norwell, MA 02061

For a Special Permit under Norwell Bylaw Sections 1400, 1420 and 2341 to permit CareWell Health Group, LLC a/k/a the CareWell Adult Treatment Center to occupy approximately 6800 square feet of space as a tenant for an adult day treatment center. The property is located at 141 Longwater Drive in Business District C. As shown on Assessor's Map 17 Block 18, Lot 53 and recorded at the Registry of Deeds in Book 38431, Page 82.

The PUBLIC HEARING for this application was duly noted in *The Norwell Mariner* on June 9, 2011 and June 16, 2011 and posted by the Town Clerk at The Norwell Town Hall in accordance with the open meeting law.

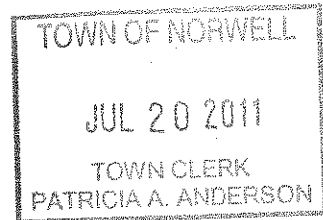
The applicant was in attendance at the Hearing to present the application.

A number of abutters voiced objections to the proposed application for various reasons. Kevin Thompson of 225 High Street was concerned about the amount of noise which would be generated by the construction. Dennis Buettner of 223 High Street inquired of the applicant on a variety of issues at the Public Hearing. Michael Bernstein of 237 High Street expressed concerns about the amount of traffic which would result from the new business. Mr. Bernstein also expressed concerns about the amount of trash which would be generated and not disposed of in a proper manner.

FILE DOCUMENTATION:

The board received the following information into its files:

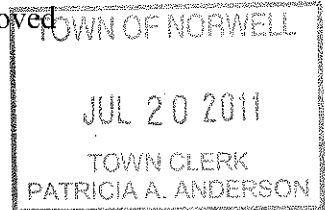
1. Copy of the legal notice for *The Norwell Mariner*.
2. Abutters list.
3. Assessors card for the property.
4. Application completed and signed by the applicant. The aforementioned was date stamped by the Town Clerk on June 3, 2011
5. Document entitled "Reason for application/facility purpose" descriptive of the nature of the business being proposed.
6. Concept floor plan for CareWell Adult Day Treatment.
7. Floor plan superimposed upon satellite photograph of the facility and the surrounding area.
8. Lease for 141 Longwater Drive signed by Ronald Morganelli on behalf of CareWell Health Group, LLC with Robert S. Conrad of the Conrad Group, Inc. The aforementioned was date stamped by the Town Clerk on June 3, 2011.
9. Plan entitled "Wearguard, Corp. Assinippi Park, Norwell" prepared by Brad Saivetz and Associates, Inc. dated December 1, 1993. The aforementioned was date stamped by the Town Clerk on June 3, 2011.



FINDINGS:

1. The property is located in Business District C.
2. There will be no physical changes to the outside of the structure which currently exists. All construction will be confined to the interior of the building.
3. Use of the property as an adult daycare facility meets the requirements of Special Permits pursuant to Section 1400 of the Norwell Zoning Bylaws. The specific use being proposed is allowed by Special Permit pursuant to Section 2341(k).

4. The proposed new use will not change the character of the district and is appropriate under the existing zoning bylaws.
5. The proposed facility will be utilized during daytime hours only.
6. The clients will be bused to the facility in vans owned and operated by a third party vendor. The vans will not remain on the premises, but will be used for drop-off and pick-up only. Based upon the aforementioned, the Board finds that the existing parking facilities will adequately service the proposed business. Existing parking requirements will not change.
7. The total number of persons using the facility shall not exceed Norwell Board of Health requirements.
8. The total number of persons using, or otherwise classified as occupants or users by Norwell Board of Health standard, shall not exceed the approved capacity approved by said Board of Health.



DECISION OF THE BOARD:


Based upon the application filed, together with the representations made by the applicant, a motion was made and duly seconded, to grant a Special Permit under Sections 1400, 1420 and 2340 (Business District C), to CareWell Health Group, LLC, for the proposed adult treatment center at the property known as 141 Longwater Drive pursuant to the restrictions as set out above.

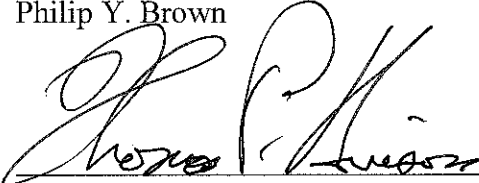
CONDITIONS APPLYING TO ALL DECISIONS:

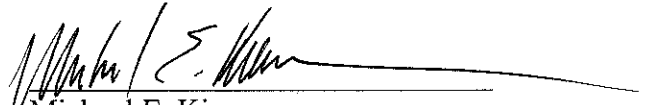
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded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

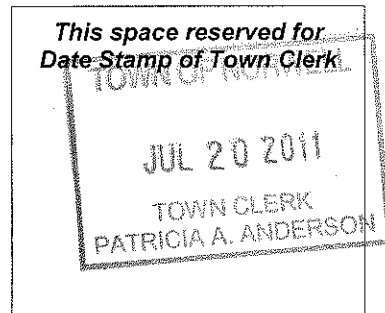
4. **LAPSE OF SPECIAL PERMIT:** The applicant must exercise any Special Permit granted by the Zoning Board of Appeals within two (2) years from the date the decision is filed with the office of the Town Clerk or it will lapse.


Philip Y. Brown


Thomas P. Harrison


Michael E. Kiernan

Date Filed with Office of the Town Clerk



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.