

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

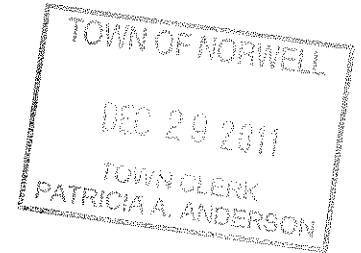
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FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 11-16



A **PUBLIC HEARING** were held on December 7, 2011 and on December 14, 2011, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**Rachel Chrisman
1079 Ocean Street
Marshfield, MA 02050**

For a **Special Permit** (Sections 1400) and an appeal under **Section 1323** of the Norwell Zoning Bylaws. The applicant was denied a building permit by the Building Inspector to open a dog grooming/spa shop at 263 Washington Street, Norwell. The property is in Business District B and shown on Assessor's Map 12C Block 24 Lot 6 Registry of Deeds Book 15224, Page 150 and is in the Aquifer Protection District.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on November 17 and 24, 2011, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant was in attendance at the hearings to present the application. There was no voiced opposition at either of the hearings.

The Board received the following information into its files:

1. Copy of the legal notice for The Norwell Mariner
2. Abutters List
3. Application, completed and signed by the applicant, date-stamped on October 31, 2011, by the Town Clerk
4. Assessors Card print-out for the lot
5. A letter from the Building Inspector stating that the applicant was required to apply for a special permit
6. The applicant's Building Permit Application
7. The applicant's summary of steps that she will take to run her business in a way to mitigate potential problems

8. A draft of the applicant's lease
9. A petition signed by other tenants at 263 Washington Street stating that they have no objection to the Applicant's dog grooming/spa business

TOWN OF NORWELL
DEC 29 2011
TOWN CLERK
PATRICIA A. ANDERSON

FINDINGS:

1. The Applicant has agreed to maintain proper disposal of waste and hair as well as to police the outside areas for dog waste. The applicant also stated that she will not be boarding dogs. None of the business neighbors adjoining the applicant's proposed leased space object to her business becoming a tenant.
2. The proposed business will not significantly alter the character of the zoning district, as it is also a small business providing personal type services for dogs.
3. The proposed use of the property will not be detrimental to the neighborhood or zoning district.
4. The proposed use will not be injurious or otherwise hazardous to the community.

DECISION OF THE BOARD:

Based on the application and evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit allowing the proposed dog grooming spa and shop located at the property known as 263 Washington Street, subject to the following Special Conditions:


SPECIAL CONDITIONS:

The applicant will abide by the summary of steps that she will take to run her business in a way to mitigate potential problems, which she submitted to the Board; the applicant will maintain proper sanitation for the removal of waste and hair from the premises; and the applicant will police the outdoor areas adjacent to her leased space to ensure the proper removal of dog waste.

CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

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 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 Registrar of Deeds or Recorder of the Land Court.

4. **EXPIRATION:** The applicant must exercise any Special Permit granted by the ZBA within two (2) years from the date of the decision or it shall lapse.



Philip Y. Brown

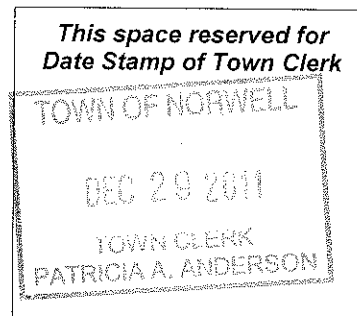


Michael E. Kiernan



David L. Turner

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.