

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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FINDINGS AND DECISION OF **THE NORWELL ZONING BOARD OF APPEALS**

File No. 14-09

A PUBLIC HEARING was held on August 6, 2014, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Section 9 and 11, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**Carewell Adult Day Wellness Center
141 Longwater Drive, Suite 104
Norwell, MA 02061**

For a **Special Permit** under Norwell Zoning Bylaw Sections 2340 and 2341(m) for Carewell Adult Day Wellness Center to offer ElderCare at Night, an overnight program for residents of the South Shore between the hours of 8 P.M. and 8 A.M. The property is located at **141 Longwater Drive, Suite 104** in Business District C, as shown on Assessor's Map 17 Block 18 Lot 53 and recorded at Registry of Deeds Book 38431 Page 82.

The Public Hearing for this application was duly noticed in *The Patriot Ledger* on July 22, 2014, and *The Norwell Mariner* on July 31, 2014, 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. Mr.

Bradford Keene of 51 High Street was in attendance and expressed concerns about the application, relating to increases in traffic and noise from fire and police emergency vehicles on High Street.

The Board received the following information into its files:

1. Copy of the legal notice
2. Abutters list and Assessors card for the property
3. Application, completed and signed by the applicant, date-stamped by the Board of Appeals and the Town Clerk on 6/30/14.
4. Descriptive narrative entitled "ElderCare at Night/CareWell Adult Day Wellness Center/Coming in September"
5. Copy of the prior Special Permit decision of the Board of Appeals, filed with the Norwell Town Clerk on July 20, 2011
6. Copy of an "Elder Care at Night" brochure
7. Letter of July 31, 2014, from the property owner, FoxRock, authorizing the application, subject to Town of Norwell approvals and meeting "established lease requirements"

The Application, notice, and all 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. The Applicant will continue to occupy existing space at 141 Longwater Drive in Suite 104.
3. The Applicant represents that the program is based upon a medical model and will be appropriately staffed at all times.
4. The Applicant represents the program will comply with Norwell Board of Health and State regulatory requirements.
5. The Applicant anticipates a maximum of 15-20 elder clients/guests for overnight care.
6. Currently, the Applicant serves a maximum of approximately forty (40) elder clients/guests in the daytime program that runs from 8:00 A.M. to 4:00 P.M.
7. The proposed overnight service is to provide respite care for those who usually care for clients/guests.
8. The Applicant will not allow clients/guests between the hours of 4:00 P.M. and 8:00 P.M., during which time the space is scheduled to be cleaned on a daily basis.
9. A special permit is required for the business to operate between the hours of 2:00 A.M. and 5:00 A.M.

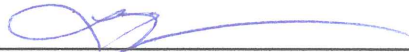
DECISION OF THE BOARD

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 2340 and 2341(m) for Carewell Adult Day Wellness Center to offer ElderCare at Night at property located at **141 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.

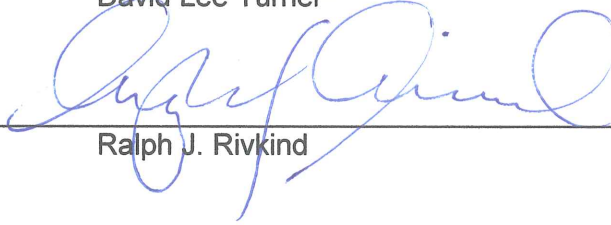
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Lois S. Barbour



David Lee Turner



Ralph J. Rivkind

Date Filed with Office of the Town Clerk

This space is for Date
Stamp of Town Clerk

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TOWN OF NORWELL
TOWN CLERK

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.