



OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

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### Members

Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
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Thomas P. Harrison  
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### *FINDINGS AND DECISION* OF THE NORWELL BOARD OF APPEALS

File No. 15-06

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TOWN CLERK

A PUBLIC HEARING was held on October 7, 2015, by the Norwell Zoning Board of Appeals under Sections 9 and 17 of Massachusetts General Law Chapter 40A at the Norwell Town Offices at 345 Main Street, Norwell, MA, on the Application of:

Jumbo Capital Norwell Partners, LLC  
On behalf of InMed Diagnostic Women's Center  
1900 Crown Colony Drive, 4<sup>th</sup> Floor  
Quincy, MA 02169

For a **Special Permit** under Sections 1400, 1420, 2340 (Business District C), 2341(d) of the Norwell Zoning Bylaw to permit **InMed Diagnostic Women's Center** to occupy approximately 4500 Sq. Ft. on the first floor of the building, as a tenant. InMed employs a staff of ten (10) and the parking facilities existing are sufficient to serve the present occupants and the proposed tenant at property located at **600 Longwater Drive**, as shown on Assessors Map 17B Block 18 Lot 60, recorded at the Plymouth County Registry of Deeds Book 39949 Page 130.

Legal notices were advertised in *The Norwell Mariner* on September 17, 2015, and September 24, 2015, posted on the Town's website and at the Norwell Town Hall in accordance with the Open Meeting Law.

Attorney Jeffrey Tocchio presented the application on behalf of his client, Jumbo Capital Norwell Partners, LLC, with Andy Tanner of Jumbo Capital also in attendance for its new tenant, InMed Diagnostic Women's Center that has previously been permitted by the Board of Appeals at 59 Longwater Drive in its decision filed with the Norwell Town Clerk on July 23, 2003 (ZBA File No. 03-35).

No member of the public or noticed abutter was present to speak in favor of or in opposition to the application.

The Board received into its file the following documents:

1. Letter of August 31, 2015, from the applicant's attorney, filed with the Board of Appeals and the Town Clerk on September 2, 2015, with the application fee that details required information, including parking information for all current occupants of the building and the proposed tenant
2. Application, completed and signed by Jeffery Tocchio, Esq., Drohan Tocchio & Morgan of 175 Derby Street, Suite 30, Hingham, MA
3. Quitclaim Deed transferring the subject property to Jumbo Capital Norwell Partners, LLC, recorded with the Plymouth County Registry of Deeds on May 20, 2011, at Bk: 39949 Pg: 130 Page: 1 of 6
4. List of abutters

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## FINDINGS:

In accordance with Section 1420 of the Norwell Zoning Bylaw, panel members made the following findings:

1. In accordance § 1420 a, the conduct of the proposed use will not be detrimental to the neighborhood and zoning district, which is Business District C, as the proposed occupant of the building, already an operating medical business in the industrial park is simply moving from one location within the park to another.
2. In accordance § 1420 b, the conduct of the proposed use will not significantly alter the character of the zoning district, Business District C that allows under § 2341 e, "business or professional offices . . . over five thousand (5,000) gross square feet" by special permit.
3. In accordance § 1420 c, the "conduct of the proposed use will not be injurious, noxious or offensive to the neighborhood", as there will be no "emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause."



## ***DECISION OF THE BOARD:***

Based upon its findings set forth above and incorporated into this decision, upon a motion duly made and seconded, the Board of Appeals **VOTED** unanimously to grant a **Special Permit** in accordance with M.G.L. Chapter 40A Section 9 and Sections 1400, 1420, 2340 (Business District C), 2341(d) of the Norwell Zoning Bylaw to permit **InMed Diagnostic Women's Center** to occupy approximately 4500 Sq. Ft. on the first floor of the building, located at **600 Longwater Drive**, as a tenant, 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 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.

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David Lee Turner



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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.