

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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

File No. 18-22

A PUBLIC HEARING was held on October 17, 2018 by the Norwell Zoning Board of Appeals (the Board) under General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application of:

Mary Connolly and Catherine Lynn, the Applicants,
212 Brigantine Circle
Norwell, MA, the Property

For a **Special Permit** under Sections 2316(d) of the Norwell Zoning Bylaws to convert an existing family room and bedroom/bath into an **in-law** living unit. The Property is located at **212 Brigantine Circle** in Residential District A, and shown on Assessor's Map 29D as Block 78, Lot 65. The Property is owned by the Applicants as reflected in the deed recorded at the Plymouth Registry of Deeds, Book 47011, Page 234.

The Public Hearing for this Application was duly noticed in *The Patriot Ledger* on October 3, 2018 and October 10, 2018, and posted at the Norwell Town Hall as required by law.

Catherine Lynn, one of the owners of the Property, attended the hearing and presented the Application.

The Board received the following documents:

1. Application received and date- stamped by the Board of Appeals and the Town Clerk on September 19, 2018;
2. In-Law Apartment Affidavit, signed by Mary Connolly and Catherine Lynn dated September 16, 2018;
3. Copy of the existing deed dated September 14, 2018;
4. Letter dated August 30, 2018 to Brian Flynn, R.S., Health Agent, Town of Norwell;
5. Letter dated September 17, 2018 to Thomas M. Barry, C.B.O., Norwell Building Commissioner;
6. Assessors Card for property.
7. Photo of existing area to be renovated;
8. Plot plan for 212 Brigantine Circle; and
9. Kitchen renovation plan by Dream Kitchens, Pembroke, MA.

FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicant appeared and presented the request and the facts set forth in the Application.

Based upon the foregoing, the Board finds that:

1. In-Law Apartments are allowed in all Residential Districts, including District A by Special Permit under Section 2316(d) of the Norwell Zoning By-Law.
2. The Board found that the Owners' daughter, son-in-law and grandson of the premises will occupy the main residence, as required by Section 2316(d)(1), and the In-Law Apartment will be occupied by the Applicants, fulfilling the requirement of Section 2316(d)(1)(a).
3. The Board found that there will be no exterior alterations, and that the project will not change the appearance of the main dwelling as a single-family residence, as required by Section 2316(d)(2).
4. Per the representation by the Applicant, the Board of Health Agent determined that there will be satisfactory sewage disposal, as required by Section 2316(d)(3).


DECISION OF THE BOARD:

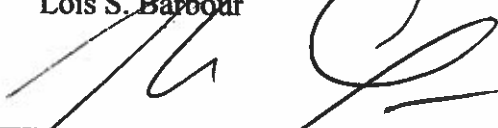
Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit to the Applicants to remodel living space at the Property to serve as an In-Law Apartment, in accordance with the renovation plan, as allowed under Section 2316(d) of the Norwell Zoning By-Law.


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 Register 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:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.

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Lois S. Barbour


Matthew H. Greene


Roy W. Bjorlin

Date Filed with Office of the Town Clerk

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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 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.