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OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295  
NORWELL, MASSACHUSETTS 02061  
(781) 659-8018 • Fax (781) 659-1892

### *Members*

Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
Ralph J. Rivkind, Clerk

### *Associate Members*

Matthew H. Greene  
Daniel M. Senteno  
Nicholas Dean

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

File No. 21-01

A PUBLIC HEARING was held on March 3, 2021 by the Norwell Zoning Board of Appeals (the Board) under General Laws, Chapter 40A, Section 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application of:

James S. McGuire, trustee of the James S. McGuire Revocable Trust,  
Sarah McGuire, and Kelley McGuire (the "Applicants")  
182 Lincoln Street  
Norwell, MA, 02061 (the "Property")

For a Section 6 Finding and a Special Permit under § 201-8.1 D(4) of the Norwell Zoning Bylaw to approve the use of existing space within the dwelling as an in-law dwelling unit. The Property is located at **182 Lincoln Street** in Residential District A, and shown on Assessor's Map 14A, Block 44, Lot 47 and Land Court Certificate #129089. 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 645, Page 89.

The Public Hearing for this Application was duly noticed in *The Mariner* on December 30, 2020, and January 6, 2021, and posted at the Norwell Town Hall as required by law. A Public Hearing was scheduled for January 20, 2021, but was continued to March 3, 2021. On March 3, 2021, a public hearing was held using remote means.

The Applicants attended the hearing and Attorney Scott Golding presented the application on their behalf. No member of the public appeared in support of or in opposition to the application.

The Board received the following documents:

1. Application signed by Scott Golding, as attorney for the applicant, dated 12/14/20, and date-stamped by the Board of Appeals and the Town Clerk on December 16, 2020;
2. In-Law Apartment Affidavit dated December 9, 2020, signed by James McGuire as the owner certifying that he and his wife would be the sole occupants of the In-Law Apartment and that their daughter, her spouse, and their two children would occupy main dwelling area;
3. Copy of the existing quitclaim deed dated July 20, 2019;
4. An Application for a Disposal System Construction Permit and Certificate of Compliance dated 12/16/19; and
5. A Letter from Attorney Scott Golding dated December 14, 2020, outlining the proposal.

#### **FINDINGS:**

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicants, through their attorney, appeared and presented the request and the facts set forth in the Application. The Applicants stated that they had recently acquired the property and that when they purchased the house it had an existing in-law apartment. The Applicants filed the application to comply with the Zoning Bylaws.

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 § 201-8.1 D(4) of the Norwell Zoning Bylaw.
2. The Board found that the Owners' daughter and spouse will occupy the main residence, as required by § 201-8.1 D(4)(a)[1], and the In-law Apartment will be occupied by the Applicants.
3. The Board found that there will be no exterior alterations, and that the use of the In-Law Apartment will not change the appearance of the main dwelling as a single-family residence, as required by § 201-8.1 D(4)(a)[2].

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**DECISION OF THE BOARD:**

Based on the evidence presented and its findings above and incorporated by reference herein, upon a motion duly made and seconded, Members Brown, Senteno, and Dean were individually polled and **VOTED** unanimously to grant the Special Permit to the Applicants to allow the In-Law Apartment, as allowed under § 201-8.1 D(4) of the Norwell Zoning Bylaw, subject to the filing of the In-Law Affidavit with the Registry of Deeds and the following:

**CONDITIONS APPLYING TO ALL DECISIONS:**

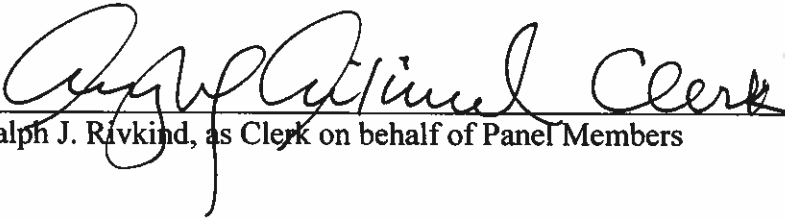
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Register of the Plymouth County Registry of Deeds to be recorded 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 shall 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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By unanimous vote of the Board of Appeals at its duly advertised meeting on September 9, 2020, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Philip Y. Brown  
Daniel M. Senteno  
Nicholas K. Dean

  
\_\_\_\_\_  
Ralph J. Rivkind, as Clerk on behalf of Panel Members

Date Filed with Office of the Town Clerk



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**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.