

TOWN OF NORWELL
TOWN CLERK

2022 JAN 19 PM 12:13

RECEIVED



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

Daniel M. Senteno, Assistant Clerk
Nicholas Dean
William J. Lazzaro
Stephen H. Lynch

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 22-01

A PUBLIC HEARING was held on January 12, 2022, 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:

Patricia Conway (the "Applicant")
23 Trout Brook Lane
Norwell, MA, 02061 (the "Property")

For a Section 6 Finding and a Special Permit under §§ 201 – 3.3 and 201-8.1 D(4) of the Norwell Zoning Bylaw to approve the conversion of existing space in the dwelling into an in-law living unit that requires converting the first-floor bedroom and bathroom into a kitchen, living area and half bath and converting a second floor office into a bedroom with a full bath. The Property is located at **23 Trout Brook Lane** in Residential District A, and shown on Assessor's Map 14B, Block 44, Lot 34 and recorded at the Plymouth County Registry of Deeds, Book 49423, Page 259. The house was built in 1965 and the lot consists of 1.03 acres.

The Public Hearing for this Application was duly noticed in *The Mariner* on December 22, 2021, and December 29, 2021, and posted at the Norwell Town Hall as required by the Open Meeting Law.

The Applicant attended the hearing and her son-in-law, Wade Stanley (“Mr. Stanley”), presented the application on the Applicant’s behalf. No member of the public appeared in support of or in opposition to the application; although, as set forth below, one neighbor wrote to oppose the Application.

FILE INVENTORY: The Board received the following documents:

1. Application received and date-stamped by the Board of Appeals and the Town Clerk on December 8, 2021;
2. In-Law Apartment Affidavit dated November 10, 2021, signed by Trish Conway and Bob Conway, as the owners certifying that she and her husband will be the sole occupants of the In-Law Apartment;
3. An Administrative Letter Permit from the Conservation Commission approving the proposed project, with conditions, dated September 21, 2021;
4. A hand drawn sketch of the existing floor layout and the proposed floor layout;
5. Plans for the proposed renovation dated November 2021, prepared and dated by the surveyor, Michael Clancy PLS, of C7G Survey Company, 40 Bound Brook Ct, Scituate, MA, 02066; and
6. A letter from David and CarolAnn McLachlan of 15 Trout Brook Lane, Norwell, MA 02061 opposing the property.

FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. Mr. Stanley stated that he is married to the Applicant’s daughter and that he and his wife reside with the Applicant in the house along with the Applicant’s husband. Mr. Stanley stated that their plan is for the Applicant to deed over the house to Mr. Stanley and his wife if the application is approved and after the proposed interior renovation is completed. Mr. Stanley indicated that there may be some period during which the Applicant and her husband will live in the In-Law Apartment while the Applicant still owns the Property. However, once ownership is transferred, their plan is for Mr. and Mrs. Conway to continue to live in the In-Law Apartment.

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.

TOWN OF NORWELL
TOWN CLERK

2022 JAN 19 PM 12:13

RECEIVED

2. Section 201-8.1 D(4)(b) of the Norwell Zoning Bylaw states that “an [In-Law Apartment] permit will terminate upon the transfer of ownership, and use will revert back to a single-family dwelling.”
3. The Board found that the Applicant’s 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.
4. The Board found that the proposed renovation 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].

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, Rivkind, 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 following further findings and conditions:

SPECIAL CONDITIONS:

1. If the Property is transferred from the Applicant to the Applicant’s daughter and son-in-law, Mr. and Mrs., Stanley, immediately upon the transfer of ownership, Mr. and Mrs. Stanley, as the new owners, are to file a new application for an In-Law Apartment along with a new In-Law Affidavit (with Application Fees waived) for the Board’s review and approval. If the Applicant otherwise transfers ownership, this permit will terminate, and use will revert to a single-family dwelling.
2. The Applicant is to file the In-Law Affidavit with the Registry of Deeds; and
3. The Applicant is to comply with 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.**

TOWN OF NORWELL
TOWN CLERK

2022 JAN 19 PM 12:19

RECEIVED

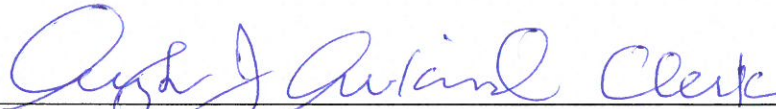
3. **EFFECTIVE DATE OF APPROVAL:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant shall exercise any Decision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

----- The remainder of this page is intentionally left blank. -----

TOWN OF NORWELL
TOWN CLERK
2022 JAN 19 PM 12:14
RECEIVED

By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Philip Y. Brown
Ralph J. Rivkind
Nicholas Dean



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

Date Filed with Office of the Town Clerk

This space reserved for
Date Stamp of Town Clerk

RECEIVED

2022 JAN 19 PM 12:14

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.