

OFFICE OF  
BOARD OF APPEALS

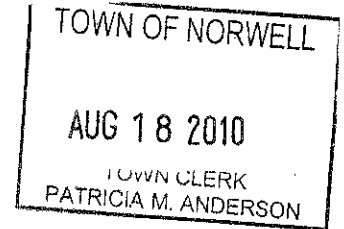
# TOWN OF NORWELL

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COMMONWEALTH OF MASSACHUSETTS

DECISION OF THE

BOARD OF APPEALS of the TOWN OF NORWELL



A Public Hearing was held on August 11, 2010, by the Board of Appeal of the town of Norwell (the Board) at the Norwell Town Offices, 345 Main Street, Norwell, Massachusetts, upon the application of:

Michael P. Hines and Linda M. Hines,  
also known as Michael & Linda Hines,  
428 River Street  
Norwell, Massachusetts, (the Applicants)

for a Special Permit under Sections 1400, 1420, and 2316 d) of the Norwell Zoning By-Laws, so that the Applicants can add an Accessory Dwelling Unit, additional living space (the Expansion) to their existing single family dwelling (the Dwelling) known and numbered as 428 River Street, shown on Assessor's Map 27A, Block 70, Lot 33, and described in the instrument recorded with Plymouth Deeds in Book 11816, Page 267. The proposed Expansion to add an Accessory Dwelling under Section 2316 d) of the Norwell Zoning By-Law will meet existing Zoning By-Law set-back and the height limitation requirements and will add to the footprint of the existing structure. The Dwelling, situated in Residential Zoning District A and located on a conforming lot, has been in existence for more than seventeen years and has not been substantially altered within the past five years. The Dwelling has been and will continue to be occupied by the Applicants, the owners of the Dwelling, and their family. The Expansion, which will contain a second kitchen area, will be occupied by the mother of Linda Hines, as certified by the Applicants in their In-Law Apartment Affidavit filed with the Application on July 12, 2010, in the Town Clerk's Office. Linda's mother is over sixty years of age. See Section 2316 d) (1).

The Expansion is shown on two plans, consisting of a Site Plan entitled Site Plan to Accompany Special Permit In-Law Apartment 428 River Street Norwell, MA, by Cavanaro Consulting, dated June 8, 2010, (the Site Plan) and a plan entitled: Addition/Alteration Linda & Michael Hines, by Campbell/Smith, Architects of Duxbury, Massachusetts, dated: June 8, 2010 (the Expansion Plan). Both plans were filed with the Application in the Town Clerk's Office on June 12, 2010, and received by the Board of Appeals on July 6, 2010, which plans, together with the Application and In-Law Apartment Affidavit were made a part of the evidence in the Hearing and are incorporated in and made a part of this Decision.

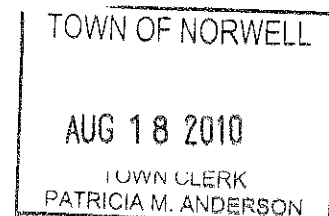
The presently existing site and foundation plans and proposed changes, including floor plans for the Expansion, are shown on the Plans, described above. The Norwell Board of Health has reviewed the Expansion and by a Memorandum to the Board and to the Building Inspector, dated: August 09, 2010, a copy of which is on file with the Application in the Board's office, approved the Expansion as being in compliance with Board of Health Rules & Regulations. The Norwell Conservation Commission has issued an Order of Conditions for the Expansion project. The above approval and Order of Conditions are made a part of this Decision.

The Applicants' proposal was explained by an Applicant and the designated representatives. The information contained in the Plans, Application, Affidavit, Approval and Order referenced above was confirmed and received into evidence. There was no opposition to the granting of the Application.

Based upon the foregoing, and after discussion and deliberation, the Board Finds that the requirements and conditions precedent set forth in Section 2316 d) have been satisfied, including:

- (1) that the owner of the premises will occupy the Dwelling and that the persons using the Accessory Dwelling, the expanded areas, including the second kitchen, shall meet the requirements of Section 2316 d) (1), referenced above.
- (2) that the exterior alterations will not change the appearance of the Existing Dwelling as a single-family residence.
- (3) that the Board of Health has approved the project as meeting the requirements of its Rules and Regulations.
- (4) that the Conservation Commission Order of Conditions for the Expansion project must be observed.

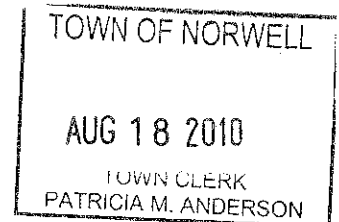
The Board also finds that the proposed use under Section 2316 d) and exterior alterations of the Dwelling will not be detrimental to the neighborhood.



## DECISION

Based upon the foregoing, the Board of Appeals hereby grants the requested Special Permit, under Section 2316 d), upon the following Special Conditions:

- a. that the implementation of the Decision shall be in accordance with the Application and the Plans, aforesaid, on file in the Town Clerk's Office, with any substantial change in the details shown on said Plans to be subject to review and approval by Board.
- b. that the implementation of this Decision shall be in accordance with construction plans, and without limiting the foregoing, including structural plans, that all meet the requirements of the State Building Code, that shall be filed with and approved by the Norwell Building Inspector before any construction permits are issued or construction is commenced.
- c.. that the footprint of the Dwelling and Expansion shall be in accordance with the Site Plan and the Expansion Plan.
- d. that this Special Permit shall terminate upon the transfer of the ownership of the Dwelling out of the family of the Applicants or if the use of the Dwelling is not in accordance with this Decision or the requirements and conditions in Section 2316 d). Upon such termination, the use of the Dwelling shall "revert back to a single-family dwelling," See Section 2316 d) (4), and the second kitchen facilities removed unless otherwise ordered by the Board of Appeals.
- e. that a certified copy of this Decision shall be filed in the Plymouth County Registry of Deeds, with a margin reference to its recording to be included on the Deed to Michael P. Hines and Linda M. Hines recorded with Plymouth Deeds in Book 11816, Page 267.



AUG 18 2010

TOWN CLERK  
PATRICIA M. ANDERSON

## 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 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.



David Lee Turner



Lois S. Barbour



Philip Y. Brown

Date Filed with Office of the Town Clerk

This space is for  
Date Stamp of  
Town Clerk

TOWN OF NORWELL

AUG 18 2010

TOWN CLERK  
PATRICIA M. ANDERSON

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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.