

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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

File No. 10-12

TOWN OF NORWELL

AUG 18 2010

TOWN CLERK
PATRICIA M. ANDERSON

A **PUBLIC HEARING(s)** was held on August 11, 2010, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

James and Jennifer Hanlon
117 Peach Street
Braintree, MA 02184

For a Special Permit (Sections 1400, 1420 a), b), c) and a Section 6 finding (Section 1640, 1642) required under Norwell Zoning Bylaw Lot Area- Section 2421 on a lot less than an acre or 27,150 sq. ft. to demolish a one-story ranch with 1,500 sq. ft. of living area and build a 2-story colonial with 4,500 sq. ft. of living area, which will meet all setback requirements, at property known as 45 Ridge Hill Road, in Residential District B, as shown on Assessor's Map 11D, Block 30, Lot 14, and recorded at Registry of Deeds BK 38337 PG 274.

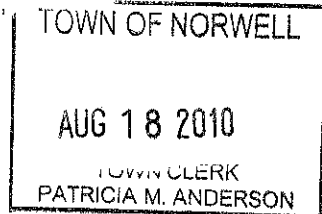
The Public Hearing for this application was duly noticed in *The Patriot Ledger* on July 22, 2010, and *The Norwell Mariner* on July 29, 2010, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant and representatives were in attendance at the hearing to present the application for the proposed change in the property. There was no opposition to the application.

The Board received the following information into its files:

1. Copy of the legal notice for *The Patriot Ledger* and *The Norwell Mariner*
2. Abutters List
3. Application, completed and signed by the applicants, date-stamped on July 21, 2010, by the Town Clerk
4. Assessors Card print-out for the lot
5. Letter dated 6/16/10, signed the applicant, James Hanlon, to the Building Inspector stating his intention to demolish the dwelling at his own risk, date-stamped 7/21/10 by the Town Clerk
6. Memorandum from the Board of Health, dated 7/20/10, stating "Property perced/Awaiting new septic design" and "OK to rebuild 4 bedroom house," signed by Brian Flynn, Health Agent, date-stamped 7/21/10 by the Town Clerk

7. Memorandum from the Conservation Agent, dated 7/26/10, stating "... the limit of work of this project is not within 100' of a jurisdictional wetland ..." and further that the "Agent did not inspect entire site ..." signed by Abigail M. Hardy, Conservation Agent
8. Architectural drawings with elevations, prepared by Wally McKinnon of Weymouth, Massachusetts, consisting of:
 - a. Sheet No. 1: 1st Floor Plan/New House Construction/45 Ridge Hill Rd./Norwell, MA
 - b. Sheet No. 2: 2nd Floor Plan/New House Construction/45 Ridge Hill Rd./Norwell, MA
 - c. Sheet No. 3: Front & Side Elevations/New House Construction/45 Ridge Hill Rd./Norwell, MA
9. Existing Conditions plan, prepared by Hardy Engineering, undated and unsigned, showing the proposed addition, included with the above Architectural Plans
10. Letter signed by Jim Roche of 11 Cape Cod Lane supporting the application
11. Petition in support of the application signed by various neighbors



FINDINGS:

1. The total area of the proposed construction is not living space, as advertised. The habitable area proposed is less than 4,000 sq. ft.
2. The proposed residential dwelling will not significantly alter the character of the zoning district, as it fits with the character of the neighborhood, which has a range of dwelling sizes and styles.
3. The use of the proposed construction is residential, which is permitted by right under the Norwell Zoning Bylaw and, therefore, will not be detrimental to the neighborhood or zoning district.
4. The proposed use will not be injurious or otherwise hazardous to the community, as the proposed construction will continue to be residential, as allowed by right under the Norwell Zoning Bylaw.

DECISION OF THE BOARD:

Based on the application and evidence presented and its findings above, upon a motion was duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and Section 6 Finding for demolition and reconstruction of a residential dwelling located at the property known as 45 Ridge Hill Road, subject to the following:

SPECIAL CONDITIONS:

In accordance with the filed plans,

1. Architectural drawings with elevations, prepared by Wally McKinnon of Weymouth, Massachusetts, consisting of:
 - a. Sheet No. 1: 1st Floor Plan/New House Construction/45 Ridge Hill Rd./Norwell, MA
 - b. Sheet No. 2: 2nd Floor Plan/New House Construction/45 Ridge Hill Rd./Norwell, MA
 - c. Sheet No. 3: Front & Side Elevations/New House Construction/45 Ridge Hill Rd./Norwell, MA
2. Existing Conditions plan, prepared by Hardy Engineering, undated and unsigned, showing the proposed addition, included with the above Architectural Plans.

CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

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.


Lois S. Barbour


Michael E. Kiernan


David Lee Turner

Date Filed with Office of the Town Clerk

<i>This space reserved for Date Stamp of Town Clerk</i>
TOWN OF NORWELL
AUG 18 2010
TOWN CLERK PATRICIA M. ANDERSON

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.