

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
David Lee Turner

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

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

File No. 10-10

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

Kristine Dailey and Paul Wilson
803 Main Street
Norwell, MA 02061

For a **Special Permit** (Sections 1400, 1420) and **Section 6 Finding** (1640, 1642) to increase the size of the family room (12' x 22' 8"), add office space (9' x 8'), and enlarge the second floor master bedroom/bath (18' x 22' 8"). The lot is nonconforming with 38,556 sq. ft. where 43,560 is required under Section 2421 (lot area). The addition encroaches into the front yard set back at 31.8' where 50' is required under Section 2421 (front yard) in Residential District A. The property is located at **803 Main Street** and shown on Assessors Map 15D, Block 51, Lot 18, and Registry of Deeds Book 37198 Page 310. The house was built in 1740.

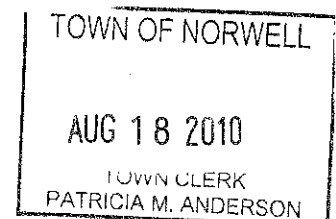
The public hearing for this application was duly noted in *The Norwell Mariner* on July 22, 2010 and July 29, 2010 and posted by the Town Clerk as required by the Open Meeting Law.

Kristine Dailey and Paul Wilson presented their proposed project as it is set out in the application previously filed with the Board. No one spoke in opposition to the application.

FILE DOCUMENTATION:

The Board received the following information into its files:

1. Copy of the legal notice for *The Norwell Mariner*.
2. Assessors Card
3. An abutters list
4. A completed application for public hearing signed by Kristine Dailey, Paul Wilson and the contractor, John McKay. The aforementioned was date stamped by the Board of Appeals on July 19, 2010 and by the Town Clerk on July 26, 2010.



5. Conservation Commission approval for the building permit. The aforementioned is date stamped by the Town Clerk on July 26, 2010.
6. Board of Health Approval authorizing the applicant to expand the existing family room and signed by the Health agent, Brian Flynn and dated June 1, 2010. The aforementioned was date stamped by the Town Clerk on July 26, 2010.
7. Plan entitled "Building Location Plan #803 Main Street, Norwell, MA" prepared by Environmental Engineering Technologies, Inc. and dated May 24, 2010. The aforementioned was date stamped by the Town Clerk on July 26, 2010.
8. A photograph of the existing dwelling. The aforementioned was date stamped by the Town Clerk on July 26, 2010.
9. Plans inclusive of a foundation plan, elevation and floor plans prepared by Rockwood Design Inc. dated March 25, 2009 consisting of five sheets and date stamped by the Town Clerk on July 26, 2010.

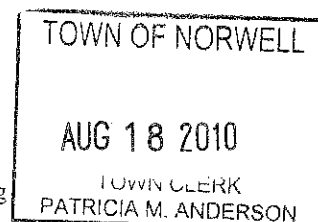
FINDINGS:

1. The house was constructed in 1740.
2. The lot size measures 38,556 sq. ft. where 43,560 sq. ft. is required.
3. The addition encroaches into the front yard set back at 31.8' where 50' is required.
4. The front yard requirement in Residential District A under Section 2441 is 50'.
Although, the proposed project will be only 31.8' from the road, this is no closer to the road than the closest point of the existing dwelling. The proposed addition is to the easterly side of the existing dwelling and consists of a family room (12' x 22' 8"), an office (9' x 18') and a second floor master bedroom/bath (18' x 22' 8").
5. The proposed project complies with side and rear setback requirements.
6. The Board finds that the proposed construction will not increase the nonconforming nature of the existing structure and will not be substantially more detrimental to the neighborhood under Section 1642.
7. The Board further finds that the proposed project is in conformity with and will not significantly alter the character of the neighborhood. The homes in this neighborhood range in size and style. Many homes in the neighborhood have increased in size as a result of renovations in recent years.

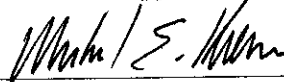
DECISION OF THE BOARD:

Based upon the examination of the file and facts in the matter, the Board determines that a **Section 6 Finding** with a **Special Permit** under Section 1642 of Norwell Zoning By-law would provide the necessary zoning relief, obviating the need for a variance. Therefore, upon a motion duly made and seconded, the Board voted **UNANIMOUSLY** to grant a **Special Permit** to Kristine Dailey and Paul Wilson for construction of a family room (12' x 22' 8"), an office (9' x 18') and to enlarge a second floor master bedroom/bath (18' x 22' 8").

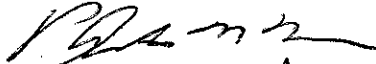
The applicant is to abide by side and rear setback requirements of Residential District A. Moreover, the proposed project will be no closer to the road than 31' 8" on the Main Street side of the existing dwelling and no footprint changes will occur on the Winter Street side of the dwelling.



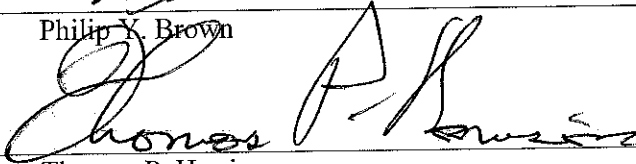
All construction shall be in compliance with the plans prepared by Rockwood Design, Inc. 844 Webster Street, Suite 1, Marshfield, MA 02050 dated March 25, 2009, and filed with the Zoning Board of Appeals with this application.



Michael E. Kiernan



Philip Y. Brown



Thomas P. Harrison

Date Filed with Office of the Town Clerk

*This space reserved for
Date Stamp of Town Clerk*

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.