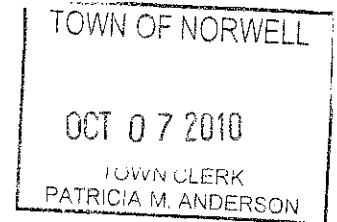


OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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



COMMONWEALTH OF MASSACHUSETTS

TOWN OF NORWELL

BOARD OF APPEALS

ZBA File No. 10-15

DECISION

A Public Hearing by the Board of Appeals of the Town of Norwell (the Board) was held, after proper notice was given as required by law, on 06 September 2010, at 7:20 P. M., at the Norwell Town Offices, 345 Main Street, Norwell, Massachusetts, upon the application (the Application) of:

Robert & Marianne Murphy
34 Coolidge Road
Norwell, Massachusetts (the Applicants)

for the property owned by them and shown on Assessors' Map 12C, in Block 32, as Lot 41, known and numbered as 34 Coolidge Road (the Property) and more fully described in Certificate of Title Numbered 104103 filed with Plymouth County Registry of Deeds in the Land Court Division. The Property, which is non-conforming, contains approximately 11,800 square feet, where 43,560 square feet of upland

land area is required. It is situated in Zoning Residential District B, and contains a single family dwelling (the Original Dwelling) that was constructed in 1952.

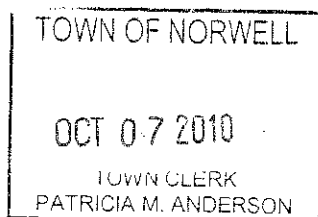
The Applicants, in their Application, request that the Board issue a Special Permit, under Sections 1400, 1420, 1640, 1642, 2421 (Lot Area) and make a so-called Section 6 Finding, under the Norwell Zoning By-Law, 1. so that they can enlarge the existing wing and garage areas to include a family room, a revised entrance way and a revised garage, and 2. so that they can add a viable second story to the enlarged wing and garage area that will contain the master bedroom, bath, closets and entrance to the second floor of the Original Dwelling , (Both 1 and 2 are collectively hereinafter referred as the Proposed Additions) all as shown on the plans (the Plans) filed, together with the Application, with the Town Clerk's Office on August 26, 2010 and with the Board of Appeals on August 24, 2010. The Application and the Plans are exhibits and are made a part of this Decision. The Plans are described as follows:

Four Sheets entitled: The Murphy/Addition Plan
34 Coolidge Rd/Norwell, all stamped as received by the
Town Clerk on August 26, 2010, and by the Board of
Appeals on August 24, 2010, additionally described as
follows:

1. Sheet # 1, shows front, side and rear outlines
of the Original Dwelling and the detailed elevations for the
proposed front, side and rear elevations of the Proposed
Additions.

2. Sheet #2, shows detailed floor plans for the Proposed
Additions

3. Sheet #3, contains an outline (in broken lines) of the
contiguous end of the Original Dwelling, the wing and



the garage areas, and an outline (in solid lines) of the Proposed Addition, a detail for the revised entrance way and a foundation plan for the Proposed Addition.

4. Sheet #4, shows a roof plan and framing (including other construction details) plans for the Proposed Additions.

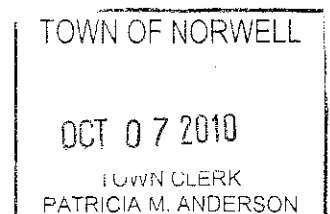
Also filed with the Board on , August 24, 2010, and with the Town Clerk on August 26, 2010, together with and as a part of the Application were the following:

1. Norwell Conservation Commission Approval for a Building Permit, signed by the Conservation Agent on , August 24, 2010, for the Property.
2. Norwell Board of Assessors one page record card for the Property.
3. Norwell Board of Health Compliance notice, dated, August 20, 2010, for the Property, with the Proposed Additions.

The Proposed Additions do not follow the footprint of the Original Dwelling but do not violate existing frontage and side line set back requirements.

The Application, the Plans and documents noted above and filed with the Application, and all plans, sketches, memorandums and letters on file with the Application, were, at the Hearing, admitted into evidence and are made a part of this Decision and incorporated herein by reference.

The Applicants appeared at the Hearing and confirmed all of the data, information and details referenced above. At the Hearing, there were no objections or reservations voiced by neighbors or other interested persons.



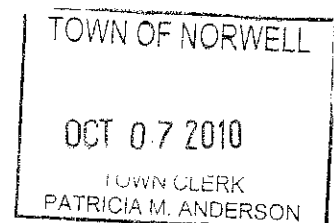
FINDINGS

Based upon the foregoing, the Board of Appeals finds:

1. That the Property is located in Zoning Residential District B.
2. That the Property contains approximately 11,800 square feet, in a District where the minimum lot size is now 43,560 square feet.
3. That the Property is non-conforming and contains a single family dwelling constructed in 1952.
4. That the Proposed Additions, as described above and in the Application and shown generally on the Plans, sketches, memorandum and letters on file with the Application and in the Plans, will not have any adverse impact upon the neighborhood and will not be contrary to the intent and purposes of the Zoning By-Law.
5. That the Property, because of the size of the single family dwelling, has adequate area for parking, recreation and outdoor activities .
6. That the use of the Property will continue to be limited as the site for a single family dwelling and the Proposed Additions will not increase the density of use of the Property.

DECISION

Based upon the foregoing, the Board of Appeals hereby GRANTS a SPECIAL PERMIT for the Proposed Addition as shown on the Plans, subject to the following SPECIAL CONDITIONS:

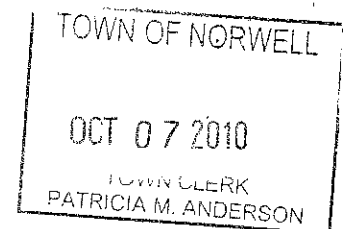


SPECIAL CONDITIONS:

1. That prior to the issuance of a Building Permit for the Proposed Addition, the Applicant shall submit to the Building Inspector a set of Plans for that construction that meet the requirements of the State Building Code.
2. That the Proposed Addition shall be permitted and constructed in accordance with the building plans referenced in Special Condition 1., above, and the Plans on file with the Application.

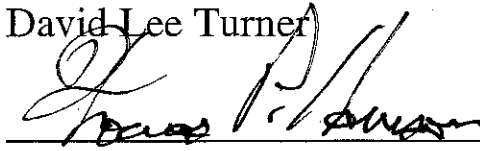
CONDITIONS THAT APPLY TO ALL DECISIONS

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 Zoning Board of Appeals within two (2) years from the date of the decision or it shall lapse.



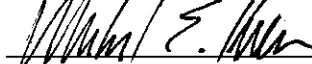


David Lee Turner



Philip Y. Brown

THOMAS F. HARRISON



Michael E. Kiernan

TOWN OF NORWELL

OCT 07 2010

TOWN CLERK
PATRICIA M. ANDERSON

Date Filed With The Town Clerk: _____

NOTICE OF APPELLATE RIGHTS: Any Decision of the Board of Appeals may be appealed to the Superior Court within twenty (20) days after the filing of the Decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the Applicant's risk during any appeal period or while an appeal is pending.