

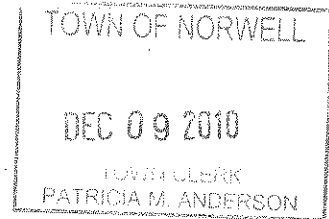
OFFICE OF  
BOARD OF APPEALS

# TOWN OF NORWELL

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## COMMONWEALTH OF MASSACHUSETTS

Town of Norwell

Board of Appeals  
ZBA File No. 10-20

### DECISION

A Public Hearing by the Board of Appeals of the Town of Norwell (the Board) was held on 17 November 2010, at 8:00 P. M., and then continued to and held on 08 December 2010, at 7:45 P.M., at the Norwell Town Offices, 345 Main Street, Norwell, Massachusetts, upon the application (the Application) of:

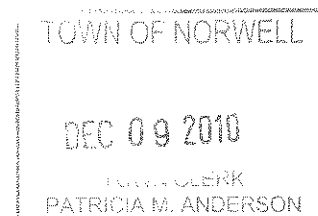
John J. Murphy, Jr., and Judith C. Murphy  
250 River Street  
Norwell, Massachusetts (the Applicants)

for the property owned by them and known and numbered as 250 River Street, in said Norwell, (the Property), shown on Norwell Assessors' Map 25A, Block 69, Lot 14, and more fully described in the instrument recorded with Plymouth Deeds in Book 17612, Page 117. The Property, which is non-conforming, contains approximately 20,500 square feet, where 43,560 square feet of upland land area is required. It is situated in Zoning Residential District A, and contains a single family dwelling (the Original Dwelling) that is a building that was constructed in 1900.

In the Application (the Application) the Applicants request that the Board issue a Special Permit, under Sections 1400, 1420, 1640, 1642, 2421 (Lot Area), 2442 (Side and Rear

Yard Set-Backs) and a so-called Section 6 Finding, so that they can replace a portion of the Original Dwelling within the existing footprint, remove existing decks and add a new two (2) car attached garage (the Proposal), as shown on the "Plot Plan of Land 250 River Street Norwell, Mass." dated 29 September 2010, by Keefe Associates(the Plot Plan) and the following plans on six sheets by DM Designs, for the Murphy Family Home Additions, 250 River Street, Norwell, MA (the Murphy Plans), described as follows:

Sheet A-1	Floor Plans, Schedules & Notes,
Sheet A-2	Building Elevations & Notes,
Sheet A-3	Building Elevations, Roof Plan & Notes,
Sheet A-4	Building Sections, Details & Notes, condition
Sheet S-2	Floor & Roof Framing Plans & Notes and
Sheet S-1	Foundation Plan, Details & Notes.



The Application, which was filed together with the Proposal, the Plot Plan, the Murphy Plans, project approval by the Conservation Commission, by its Conservation agent, and a compliance certificate by the Board of Health, by its Health Agent, were all filed in the Town Clerk's office on 19 October 2010, and stamped copies were immediately forwarded to the Board of Appeals. Notice of the Application and Public Hearing was published in the Norwell Mariner and also given to interested persons and organizations in accordance with General Laws, Chapter 40A.

The Original Dwelling meets the front yard set-back requirements in the Zoning By-Law but does not meet existing side and rear yard set back requirements.

The Application and all plans, approvals, certificates, memo's and letters on file with the Application, are made a part of this Decision and incorporated herein by reference.

The Applicants and their Contractor appeared at the Hearings and outlined the scope and reasons for the Application. The rebuilding and reconstruction of a portion of the Original Dwelling is necessitated by the disintegrated condition of the floor joists and underlying structure. No additional square footage will be added to the house. It will simply be rebuilt to existing structural standards. The proposed two car garage will also be constructed in accordance with existing standards.

The Norwell Board of Health has issued a Memorandum, dated: 19 October 2010, filed with the Application in the Town Clerk's office, that states that the proposal "is in compliance with Board of Health Rules & Regulations." The Norwell Conservation Agent has sent the Divisions of Inspections a letter, filed with the Application, that approves the project.

A neighbor, an interested person, did not object to the rebuilding and reconstruction of a portion of the house, but, did raise questions about the viability of the site for the rebuilding of the existing septic system if the garage is constructed and a failure of the existing system does require rebuilding or replacement of that existing septic system.

A review of the Plot Plan, the requirements for rebuilding or replacing a septic system for the Property on the Property and a review of those options with the Norwell Health Agent established that any and all such rebuilding or replacing of the system would be on the Northerly section of the Property and would not involve the area where the proposed garage is to be constructed.

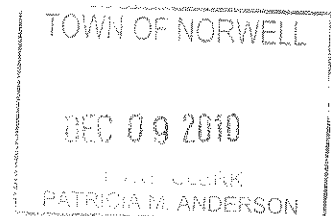
## FINDINGS

Based upon the foregoing, the Board of Appeals finds:

1. That the Property is located in Zoning Residential District A.
2. That the Property contains approximately 20,505 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 building, now a single family dwelling, constructed in 1900.
4. That the proposed rebuilding and reconstruction of a designated portion of the existing dwelling, as described and shown in the Application and attached 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 and the future expansion, rebuilding or replacement of the existing septic system.
6. That the use of the Property will continue to be limited to the site for a single family dwelling.

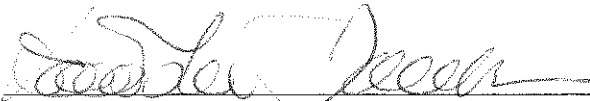
## DECISION

Based upon the foregoing, the Board of Appeals hereby GRANTS a SPECIAL PERMIT for the rebuilding and reconstruction of the designated portion of the existing dwelling, the construction of a two (2) car garage in accordance with the Application and the Murphy Plans filed therewith and the removal of the deck areas shown for removal on the Plot Plan.

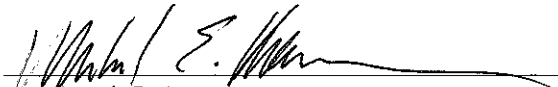


**CONDITIONS APPLYING TO ALL DECISIONS:**

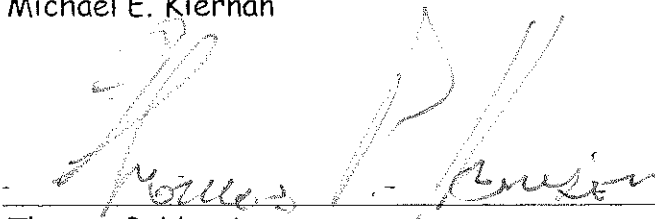
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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, Chair



Michael E. Kiernan



Thomas P. Harrison

Date Filed with Office of the Town Clerk

