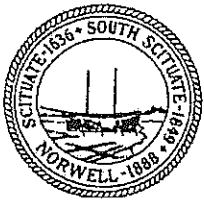


TOWN OF NORWELL
TOWN CLERK

2016 JAN 26 PM 3: 34

RECEIVED



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, Clerk

Associate Members

Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 15-15

A **PUBLIC HEARING** was held on January 13, 2016, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6, 9, and 11, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the application of:

Joseph Rull
248 River Street
Norwell, MA 02061

For a **Special Permit** and Section 6 finding under §1400, §1420, §1640, §1642, and §2421 (Lot area) of the Norwell Zoning Bylaw. The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 24,143 sq. ft. Applicant proposes to construct a family room addition of approximately 18' x 13' and expand the second floor by approximately 9' x 25' within the required setbacks. Total bedrooms allowed are four. The property is located at 248 River Street, as shown on Assessor's Map 25A as Block 69 Lot 15 and Registry of Deeds Book 38542, Page 213, in Residential District A. The house was built in 1900.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on December 24, 2015, and December 31, 2015, and posted at the Norwell Town Hall.

The Applicant presented the Plan and received support from neighbors. There was no opposition. Because the Foundation Plan shows that the lot sideline is abutted by Barrel Lane, which is an undeveloped private lane, a question arose as to whether this lot was a corner lot. The Board consulted with Town Counsel and determined that it is not a way such that the corner lot rule applies. The proposed Plan meets sideline setbacks.

FILE DOCUMENTATION:

The Board received the following information into its files:

1. Copy of the legal notice
2. Assessors' Card and Abutter's list
3. Completed application signed by the owner, date-stamped by the Town Clerk and the Board of Appeals on December 16, 2015
4. Board of Health approval dated 12/16/15 stating that it is "ok to remodel under proposed plan submitted" and "ok to build outside existing structure not to exceed 4 bedrooms"
5. Conservation Commission approval dated 12/16/15 stating that all soils must be controlled on the site
6. Drawings entitled, "248 River Street" dated December 11, 2015
7. A certified Plot Plan dated March 18, 2014
8. An undated As Built Plan
9. A revised Foundation Plan dated January 20, 2016

FINDINGS:

1. The lot measures 24,143 sq. ft. where 43,560 sq. ft. is required pursuant to §2421.
2. The Board finds the proposed remodeling will increase the volume of the dwelling.
3. However, the Board may issue a Section 6 finding pursuant to M.G.L c.40A and §1642 of the Norwell Zoning Bylaws, if it finds that any increase in the non-conforming nature of a structure will not be substantially more detrimental to the neighborhood than the existing structure.
4. The proposed project is in keeping with the scale and style of the surrounding residential dwellings and will in the opinion of the Board not change the essential character of the neighborhood.
5. The Foundation Plan shows that Barrel Lane runs along the side lot line. While Barrel Lane is shown as a private lane on the Foundation Plan it is completely undeveloped and is not a way such that the corner lot rule applies. Accordingly, the proposed addition meets the side lot setback.
6. Based upon the application submitted with plan revisions, the Board finds that any increase in the non-conforming nature of the proposed bedroom addition will not be substantially more detrimental to the neighborhood than the existing structure and the applicant is entitled to a Section 6 finding.

DECISION OF THE BOARD:

Based upon its findings set forth above and upon a motion duly made and seconded, the Board of Appeals **VOTED** unanimously to grant a **Special Permit/ Section 6 Finding** in accordance with M.G.L. Chapter 40A Section 6 and §1400, §1420, §1640, §1642 and

RECEIVED

2016 JAN 26 PM 3:34

TOWN OF NORWELL
TOWN CLERK

§2421 (Lot Area) of the Norwell Zoning Bylaw, in accordance with the application submitted for property at 248 River Street, subject to the following:

SPECIAL CONDITIONS:

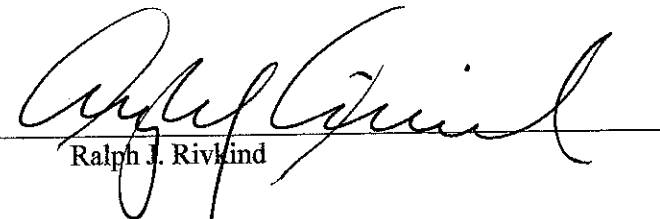
1. The construction proposed shall comply with the plans and drawings submitted and listed above.
2. The project shall comply in all other respects within the Norwell Zoning Bylaw.

CONDITIONS APPLYING TO ALL DECISIONS:

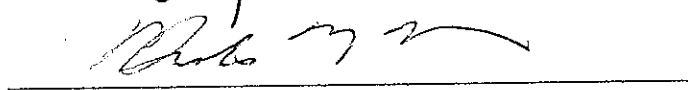
1. ***RECORDING OF THE DECISION:*** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of the 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 L. Turner



Ralph J. Rivkind



Philip Y. Brown

RECEIVED

2016 JAN 26 PM 3:34

TOWN OF NORWELL
TOWN CLERK

TOWN OF NORWELL
TOWN CLERK

This space is reserved for Date
Filed with Town Clerk
2015 JAN 26 PM 3:34

RECEIVED

Date Filed with Office of the Town Clerk

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.