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Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

*A True Copy
Attest:*

File No. 16-8

*Rainie Davis
Asst. Town Clerk
July 12, 2016*

A **PUBLIC HEARING**(s) was held on June 1, 2016, 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:

Richard P. & Rose C. Cook
41 Coolidge Road
Norwell, MA 02061

For a **Special Permit** (Sections 1400, 1420) 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 21,699 sq. ft. to add a 12' x 18' bathroom to the existing bedroom, which will meet all setback requirements, at property located at 41 Coolidge Road, in Residential District B and in the Aquifer Protection District, as shown on Assessor's Map 12C, Block 32, Lot 50, Land Court Certificate #52726. The house was built in 1954.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on May 12 and 19, 2016, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicants were in attendance at the hearing to present the application for the proposed change in the property. They noted that the addition would extend beyond the current side of the house but that it would meet all required setbacks. There was no voiced opposition.

The Board received the following information into its files:

1. Copy of the legal notice from *The Norwell Mariner*;
2. Abutters List;
3. Application, completed and signed by the applicants, date-stamped on May 2, 2016, by the Town Clerk;
4. Assessors Card print-out for the lot;
5. A WPA Form 2- Determination of Applicability dated April 7, 2016, setting forth certain conditions for erosion control during construction;
6. A Board of o Health Approval allowing a new bathroom dated April 7, 2016;
7. Elevations for the proposed addition; and
8. Plot Plan showing the house and the proposed addition.

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FINDINGS:

1. The proposed bathroom addition will be added to the side of the existing house and it meets all setbacks.
2. The proposed addition 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 duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and Section 6 Finding for the addition of the proposed bathroom addition to a residential dwelling located at the property known as 41 Coolidge Road, subject to the following:

SPECIAL CONDITIONS:

The addition will be constructed in accordance with the filed plans as set forth above and construction will comply with the Determination of Applicability as set forth above.

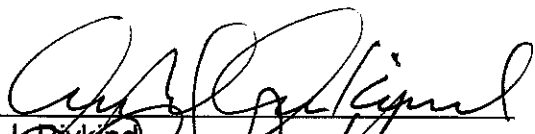
CONDITIONS APPLYING TO ALL SPECIAL PERMITS:


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.

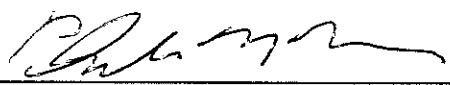
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Ralph J. Rykind


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This space reserved for
Date Stamp of Town Clerk

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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.