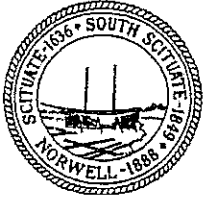


TOWN OF NORWELL
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2016 JUN 23 AM 10: 26

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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

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Philip Y. Brown, Vice Chair
David Lee Turner, Clerk

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Thomas P. Harrison
Ralph J. Rivkind

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

File No. 16-9

A **PUBLIC HEARING(s)** was held on June 15, 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:

Robert D. & Kim M. DiLoreto-
56 Gerard 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 8,000 sq. ft. to add a 14' x 16' mudroom to the existing dwelling, which will meet all setback requirements, at property located at 56 Gerard Road, in Residential District B and in the Aquifer Protection District, as shown on Assessor's Map 12A, Block 21, Lot 81, Registry of Deeds Book 32058, Page 50. The house was built in 1953.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on May 26 and June 2, 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 13, 2016, by the Town Clerk;
4. Assessors Card print-out for the lot;
5. Conservation Commission Approval for Building Permit dated March 17, 2016;
6. A Board of Health Approval allowing a new mudroom dated May 13, 2016;
7. Plans for the proposed addition dated May 27, 2016; and
8. A Certified Location Plan showing the existing house and the proposed addition.

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FINDINGS:

1. The proposed mudroom 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 mudroom to a residential dwelling located at the property known as 56 Gerard Road, subject to the following:

SPECIAL CONDITIONS:

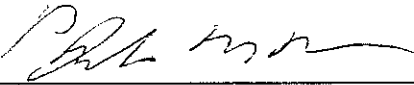
The addition will be constructed in accordance with the filed plans as set forth above.

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.


Ralph J. Rivkind


Thomas P. Harrison


Philip Y. Brown

Date Filed with Office of the Town Clerk

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.