



2016 00748404

Bk: 00577 Pg: 52 Cert: 115452
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ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

TOWN OF NORWELL
TOWN CLERK

2016 JUL 13 PM 7:18

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. 16-11

A **PUBLIC HEARING**(s) was held on July 13, 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:

^{H.}
Evan and Kelly Burke
61 Doris Avenue
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 21,780 sq. ft. to add a second story to the existing dwelling within the same footprint. The property is located at 61 Doris Avenue in Residential District B as shown on Assessor's Map 12D, Block 27, Lot 111, Land Court Certificate #115452. The house was built in 1965.

The Public Hearing for this application was duly noticed in The Patriot Ledger on June 28, 2016 and in the Norwell Mariner on July 7, 2016, and posted by the Town Clerk, as required by the Open Meeting Law.

A True Copy
Attest:

L. Harris
Asst. Town Clerk
Aug 3, 2016

3 W side Doris Ave
Kelly A. Herly

The Applicants were in attendance at the hearing to present the application for the proposed change in the property. They noted that the second story addition would fit within the current footprint of the house and 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* and *The Patriot Ledger*;
2. Abutters List;
3. Application, completed and signed by the applicants, date-stamped on June 10, 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 Health Approval allowing a remodel of the first floor and the construction of the 2d floor according to the proposed plan, dated June 7, 2016;
7. Elevations for the proposed addition; and
8. Plot Plan showing the house and the proposed addition.

A True Copy
Attest:

Raimond Davis
Asst. Town Clerk
Aug 3, 2016

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TOWN OF NORWELL
TOWN CLERK

FINDINGS:

1. The proposed second story addition will be added to the house on the existing footprint 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 was duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and Section 6 Finding for the addition of the proposed second story to a residential dwelling located at the property known as 61 Doris Avenue, subject to the following:

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

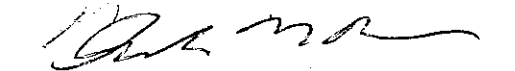
CONDITIONS APPLYING TO ALL SPECIAL PERMITS:


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.

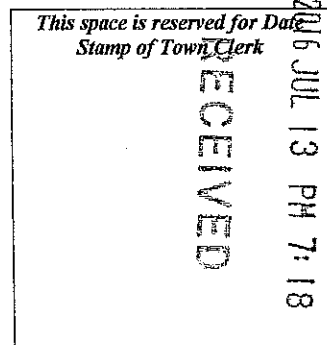
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. *NOTE:* No building permit shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this 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.


David Lee Turner


Philip Y. Brown

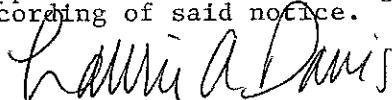

Ralph J. Rivkind

Date Filed with Office of the Town Clerk



NOTICE OF APPELLATE RIGHTS: Pursuant to M.G.L. Chapter 40A, Section 17, any decision of the Board of Appeals may be appealed within twenty (20) days after filing of the written decision with the Town Clerk.

I hereby certify that notice of approval of this application for a Special Permit and a Section 6 finding submitted by Evan and Kelly Burke to the Norwell Zoning Board of Appeals was received and recorded at this office on July 13, 2016, and that no appeal was received during the twenty days next after such receipt and recording of said notice.


TOWN CLERK - ASSISTANT TOWN CLERK

A True Copy
Attest:

DATE: Aug. 3, 2016