

TOWN OF NORWELL

OFFICE OF
BOARD OF APPEALS

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

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FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 16-15

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A **PUBLIC HEARING** was held on November 16, 2016, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 through 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the Application (the Application) of:

Kathleen T. O'Shea
18 Leigh Road
Norwell, MA 02061 (the Applicant)

For a Special Permit and Section 6 finding under Section 1400, 1420, 1640, 1642 and 2421 (Lot Area) of the Norwell Zoning By-laws. The Applicant seeks approval to replace existing 2x4 framed single family dwelling structure with a new 2x6 framed single family dwelling structure, that meets present Building Code requirements, on the existing foundation, to bump up the roof 4' and add 13'x18' interior dormers for an additional 245 square feet of living space and add an additional bedroom to increase the single-family dwelling from 2 to 3 bedrooms. The lot of 8,452 sq. ft. does not conform to the minimum lot size requirement of 43,560 sq. ft. The Property (the Property) is located at 18 Leigh Road in Residential District B as shown on Assessor's Map 12D, Block 27, Lot 43 and is described in the Deed to the Applicant and her husband recorded at the Plymouth County Registry of Deeds in Book 14453, Page 329, as two parcels, which have merged into the one non-conforming Lot described above. The house was built in 1938.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on October 27, 2016 and November 3, 2016, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant was represented at the Public Hearing by Kelly Ennis, Kelly Ennis Design of Quincy, MA 02169, who presented the Application for the proposed change (rebuilding on the existing foundation) of the single-family dwelling on the Lot. There was no voiced opposition at the Public Hearing. A local resident who was present affirmatively supported the Application.

FILE INVENTORY:

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. The Application, completed and signed by the Applicant, was date-stamped on October 19th, 2016, by the Town Clerk;
4. Assessors Card print-out for the lot;
5. A Board of Health Approval allowing a remodel/rebuilding of the first floor and the construction of the 2d floor according to the proposed plan, dated October 11, 2016;
6. Existing and Proposed Elevations of the O'Shea Residence on the Property and as-built plans of the existing structure and sewage disposal system location, components and elevations.

FINDINGS:

1. The proposed reconstruction of the dwelling, including the revised and slightly expanded second floor, will be on the existing foundation and will remain within existing setbacks.. A new entrance deck and door will replace the existing larger deck and is appropriate and in keeping with the improved design of the single family dwelling.
2. The proposed reconstruction will not significantly alter the character of the zoning district, as it is appropriate with and blends into the character of the neighborhood, which has a range of dwelling sizes and styles, and is appropriate in size, impact and style with existing structures in the neighborhood..
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 a single family residential use, limited to three bed rooms, as allowed by right under the Norwell Zoning Bylaw.

DECISION OF THE BOARD:

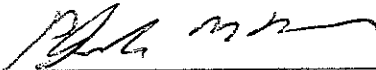
Based on the application and evidence presented and its findings above, upon a motion was duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and

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Section 6 Finding for the proposed rebuilding, on the existing foundation, of the single family residential dwelling located on the Property, known and numbered as 18 Leigh Road, in accordance with the Plans made Exhibits and on file with the Application and current Building Code requirements.

CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

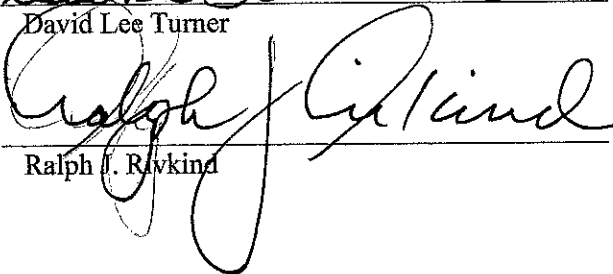
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded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



Philip Y. Brown



David Lee Turner



Ralph J. Rivkind

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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.