

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. Rivkin

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

File No. 18-09

RECEIVED

2018 JUN 20 PM 7:14

TOWN OF NORWELL  
TOWN CLERK

A public hearing was scheduled on May 2, 2018, and continued to June 6, 2018, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

**Lynn Marshall**  
**195 Summer Street**  
**Norwell, MA 02061**

For a **Section 6 Finding** and **Special Permit** under Norwell Zoning Bylaw Sections 2441 (Front Yard) and 1642 (Lawfully pre-existing Nonconforming Structures), for Property located at **195 Summer Street** (the "Property") in Residential District A as shown on Assessor's Maps 3D, Block 8, Lot 9, and recorded at the Plymouth County Registry District Book 47289, Page 162. The lot consists of approximately 1.42 acres but the dwelling does not meet the required front-yard setback of 50'. The Applicant proposes an addition to the rear of the existing residence that was built prior to zoning, circa 1900.

The application was duly noticed in *The Norwell Mariner* on April 12, 2018 and April 19, 2018 and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

John Cavanaro of Cavanaro Consulting presented the application on behalf of Ms. Marshall, who was also in attendance. John McKay, builder, attended the second meeting.

Abutter Brenton Harris of 7 Forest Ridge expressed concern that construction could cause runoff to his property. No other member of the public spoke in favor of or in opposition to this application.

**FILE INVENTORY:** Documents submitted, included but not limited to the following, were received by the Board:

1. Application, signed by the Applicant, received and stamped by the Board of Appeals on March 18, 2018, and dated-stamped by the Norwell Town Clerk on March 28, 2018.
2. Letter from John C. Cavanaro, dated March 28, 2018, outlining the application request and including the following documents:
  - a. ZBA-1 Application
  - b. Public Notice Authorization
  - c. Copy of the locus deed
  - d. Copies of Neighborhood Comparison tables showing Gross Area, Living Area, Gross Area/Lot Area Ratio, and Living Area/Lot Area Ratio
  - e. Neighborhood plan, prepared by Cavanaro Consulting of 87 Main St., Norwell, dated 3/27/18
  - f. Site Plan, prepared by Cavanaro Consulting, dated 3/26/18, detailing the proposed addition
  - g. Architectural Plan, entitled "Progress Set - 3/20/2018", prepared by Rockwood Design, Inc., consisting of eight (8) drawings
  - h. Architectural Plan set, dated 3/21/18, as prepared by Yankee Barn Home, consisting of eight (8) drawings
3. Plan drawing "SP" entitled "Site Plan to Accompany ZBA Application/195 Summer Street - Norwell, prepared by Cavanaro Consulting of 687 Main Street, Norwell, signed and sealed by John C. Cavanaro, RPE, and Brendan P. Sullivan, RPLS
4. Abutters List
5. Assessors Card for the property
6. As requested by the Board at the May 2, 2018, opening of the public hearing, the requisite sign-offs from the Conservation Commission and the Board of Health were received, prior to the continued public hearing on June 6, 2018.

TOWN OF NORWELL  
TOWN CLERK  
2018 JUN 20 PM 7:14  
RECEIVED

## FINDINGS:

1. The property is located in Residential District A and includes a single-family dwelling to which the Applicant proposes an addition to include an attached garage with living space above as well as a covered porch and deck in accordance with the submitted plans, noted in the File Inventory above.
2. The addition will not increase or change the setback nonconformity, as the proposed construction is beyond the 50' setback requirement line.
3. The Board may issue a Section 6 Finding pursuant to M.G.L. c. 40A §6 and Special Permit in accordance with Section 1642 of the Norwell Zoning Bylaw, if it finds that

- a. "The conduct of the proposed use will not be detrimental to the neighborhood and zoning district . . ."

**Finding:** As the property will continue to be used as a dwelling unit, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district.

- b. "... the proposed use will not significantly alter the character of the zoning district".

**Finding:** The Board finds, as the property is located in Residential District A, the existing use as a residence is allowed by right and will, therefore, not alter the character of the zoning district.

"The conduct of the proposed use will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause."

**Finding:** As the property will continue to be used as a dwelling unit, the Board finds the proposed addition will not be injurious, noxious, or offensive to the neighborhood, an allowed use.

4. There was no objection to the proposed construction plans submitted to the Board either through testimony or in writing.

## DECISION OF THE BOARD:

Based upon the evidence presented and its findings detailed above and incorporated herein and forming a part of this decision, upon a motion duly made and seconded, Members Harrison, Rivkind, and Barbour **VOTED** unanimously to grant **Section 6 Finding** and **Special Permit** for construction of the proposed addition on property located at 195 Summer Street in accordance with the filed plans, subject to the following.

## 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

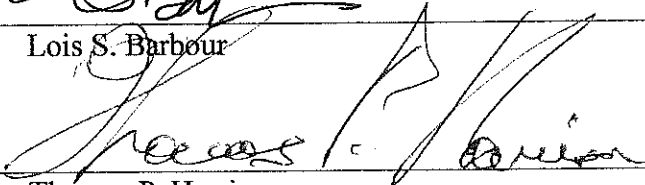
dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of the unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.

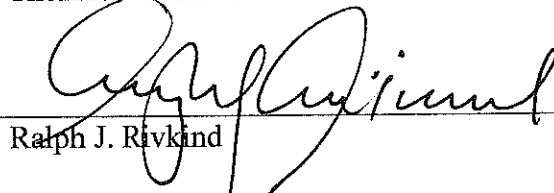
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE: No building permit shall be issued without such evidence.**
3. **EFFECTIVE DATE OF APPROVAL:** The zoning relief granted by this Decision shall take effect only at such time as a copy of this 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. **LAPSE OF SPECIAL PERMIT:** The Applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or as provided in any extension thereof as detailed in the Board's Rules, or it shall lapse.

----- The remainder of this page is intentionally left blank -----

RECEIVED  
2018 JUN 20 PM 7:14  
TOWN OF NORWELL  
TOWN CLERK

  
Lois S. Barbour

  
Thomas P. Harrison

  
Ralph J. Rivkind

This space reserved for  
Date Stamp of Town Clerk

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.

RECEIVED  
2018 JUN 20 PM 7:14  
TOWN OF NORWELL  
TOWN CLERK