

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

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FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 17-13

PUBLIC HEARING was held on September 13, 2017, 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:

Stephen R. and Lisa P. Marsh
306 Summer Street
Norwell MA 02061

For a **Special Permit** for an **in-law apartment** under Sections 1400, 1420 and 2316 (d) of the Norwell Zoning Bylaw as permitted to the previous owner on property located at **306 Summer Street**. The residence was built in 1980 on a lot consisting of 2.14 acres in Residential District A, as shown on Assessors Map 3B Block 10 Lot 40 and recorded at the Plymouth Registry of Deeds, Book 48530, Page 84.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on August 17, 2017 and August 24, 2017, and posted at the Norwell Town Hall.

Stephen Marsh, the owner of the property, attended the hearing and presented the application.

FILE INVENTORY:

1. Copy of the legal notice
2. Abutters list
3. Application, completed and signed by the Applicant, date-stamped July 12, 2017, by the Town Clerk.
4. In-Law Apartment Affidavit, signed by Steven R. Marsh, dated June 12, 2017.
5. Assessors Card Print-out for the lot.

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FINDINGS:

The Board specifically references and incorporates the below findings from its decision detailed in its File No. 03-03, as filed with the Norwell Town Clerk on February 29, 2003, in which it approved the previously approved and currently existing in-law apartment. It notes no change has been made in the structure as it existed at the time of issuance of that decision that specifically found the following:

1. In-Law Apartments are allowed in all Residential Districts, including District A by Special Permit under Section 2316(d) of the Norwell Zoning Bylaw.
2. The Board found that the owners of the premises occupy the residence, as required by Section 2316(d)(1) and the In-Law Apartment will be occupied by Frederick and Patricia Casinelli, parents of Lisa Marsh, as stated in the required In-Law Apartment Affidavit filed with the current application, fulfilling the requirement of Sections 2316(d)(1)(a).
3. The Board found that there will be no exterior alterations, so the project will not change the appearance of the main dwelling as a single-family residence, as required by Section 2316(d)(2).
4. The Board of Health documentation previously demonstrated that sewage disposal, as required by Section 2316(d)(3), upon completion of the upgraded septic system, satisfies that requirement.
5. The Board found that there will be no change to the footprint of the existing structure or exterior alterations, so the proposed In-Law Apartment will not be detrimental to the neighborhood, nor significantly alter the character, nor be injurious or hazardous to the neighborhood.
6. Although the Board did not invoke Section 2316(d)(5) of the Bylaw, it has the stated power to "safeguard the neighborhood or otherwise serve the purpose of this by-law" by limiting the following:
 - a. Maximum number of occupants
 - b. Maximum number of rooms
 - c. Modification of driveway or parking spaces to provide adequate off-street parking.

DECISION OF THE BOARD:

Based upon examination of the file, the facts in the application before it, and its findings incorporated herein, upon a motion made and duly seconded, the Board **VOTED** unanimously to grant a **Special Permit for an In-Law Apartment** to Stephen R. and Lisa P. Marsh on property located at **306 Summer Street**, in accordance with the filed application, as allowed under Section 2316(d) of the Norwell Zoning Bylaw, subject to the following:

SPECIAL CONDITIONS: This Special Permit shall become null and void under either of the following circumstances:

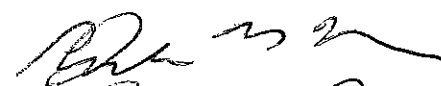
1. If the current homeowner(s) is/are not able to occupy the premises at 306 Summer Street (**NOTE:** The Special Permit is granted based upon the continued occupancy of the main dwelling by the current owner); or
2. As provided under Section 2316(d)(4), this Special Permit will terminate upon the transfer of ownership, and use will revert back to a single-family dwelling.
3. Additionally, the Applicant shall file an In-Law Apartment Affidavit annually with the Board of Appeals.

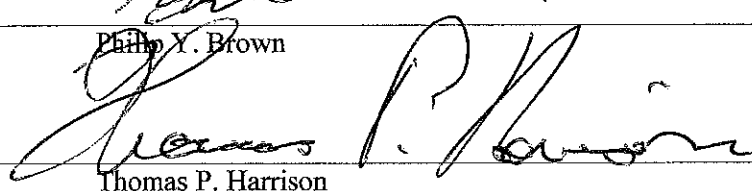
CONDITIONS APPLYING TO ALL DECISIONS:

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 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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Philip Y. Brown


Thomas P. Harrison


Lois S. Barbour

Date Filed with Office of the Town Clerk

*This space is 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.