



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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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. 17-23

A PUBLIC HEARING was held on January 10, 2018, at 7:30 p.m. and on January 31, 2018, at 7:25 P.M., 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:

Justin and Stacy Minihane
317 Prospect Street
Norwell, Massachusetts 02061

For a **Special Permit and Section 6 Finding** under the Norwell Zoning By-Law, Sections 2441 (front yard) and 2441 (lot area), for Property located at **317 Prospect Street** (the "Property") in Residential District A as shown on Assessor's Map 6D, Block 23, Lot 18 and filed with the Plymouth County Registry of Deeds in Book 44381, Page 2. The Applicants seeks to extend the second floor over the existing single story breezeway and garage to add one bedroom and a full bath. The lot is .51 acres and does not meet the minimum lot size of 1 acre and the existing structure does not meet the required front yard setback of 50' as it is 34' from the street. The House was built in 1956.

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TOWN OF NORWELL
PLANNING BOARD

The Public Hearing for this Application was duly noticed in The Norwell Mariner on December 14, 2017 and December 21, 2017 and was posted at the Norwell Town Hall as required by law.

The following documents were received by the Board, marked as Exhibits as noted below and included as part of the Application, file and decision for this case:

1. Application received and stamped by the Town Clerk and Board of Appeals on November 20, 2017.
2. A letter from the applicant describing the project dated November 20, 2017.
3. A quitclaim deed for the property.
4. A plot plan dated May 13, 2014.
5. A letter from DWD Engineering, Inc. setting forth engineering observations related to the proposed project.
6. Construction Documents prepared by ArchiPlicity, LLC.
7. A Conservation Commission Review noting that the project is solely internal and does not involve any site work.
8. An email from the Health Department approving the project.

FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicant appeared and presented the request and the facts set forth in the Application. The Exhibits noted above are the basis for this Decision.

Based upon the foregoing, the Board finds that:

1. The Applicant proposes to expand their single-family dwelling as noted in the Exhibits. The proposed addition will not increase or change the setback nonconformity.
2. The proposed changes, aforesaid, as shown on the Exhibits, and as described above, are in harmony with and comply with the intent and purpose of the Zoning By-law and will have no adverse impact upon the neighborhood.

DECISION OF THE BOARD:

Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and make a Section 6 Finding approving the changes described above.

SPECIAL CONDITION:

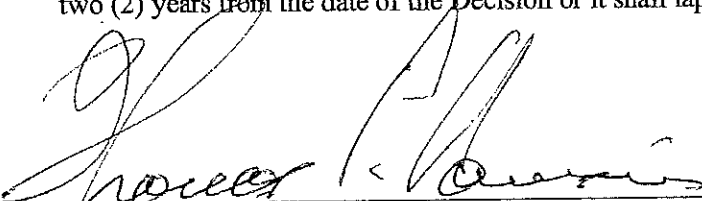
Plans, in accordance with the State Building code and this Decision, shall be submitted to the Building Inspector before any Building Permit for the Project is issued.

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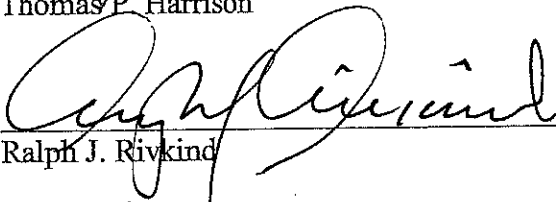
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CONDITIONS APPLYING TO ALL DECISIONS:

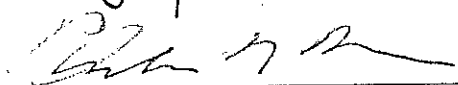
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Register of the Plymouth County Registry of Deeds to be recorded 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:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.



Thomas P. Harrison



Ralph J. Rivkind



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.

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TOWN OF MINIHAN
TOWN CLERK